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SECRET Box 11 Fldr 11

OGC 78-3565
5-31-78

Executive Registry
78-8432/1

OLC 78-1012/8
30 May 1978 JUN 5 10 04 AM '78

MEMORANDUM FOR: Director of Central Intelligence

VIA : Deputy Director of Central Intelligence

FROM : S. D. Breckinridge
Principal Coordinator, HSCA
Office of Legislative Counsel

SUBJECT : House Select Committee on Assassinations
Request for Access to the "Hart Report"

1. Action Requested: That you approve the recommendation at paragraph 14 for limited access of selected House Select Committee on Assassinations (HSCA) staff members to a classified, sanitized version of the Hart Report.

2. Background: As you know, the HSCA Staff Director, Mr. Blakey, has requested you in a letter dated 9 May 1978 (Tab A), to provide access to a report prepared by John Hart in 1977 on the subject of the Agency's handling of the Nosenko case. This request is part of an inquiry into hypotheses arising from Epstein's book Legend, in which the view is presented that Nosenko was a dispatched agent with the mission of concealing KGB ties with Lee Harvey Oswald. Central to HSCA interest is the question of Nosenko's bona fides. Additional to that issue, interest has developed in the manner in which Nosenko was treated during the period that his bona fides were suspect. These two issues are treated separately below.

I

3. The Hart report is directed at the handling of the Nosenko case, addressing the actions and conduct of various officers in the Agency. These matters cannot be treated without also considering the question of Nosenko's bona fides, so there also is considerable review of the methodology employed and the analyses of those handling the matter. Mr. Blakey states in his letter that he has been informed that the report contains no information on the issues of bona fides, being concerned instead only with personnel and internal procedures. This understanding on his part is incorrect, and his letter suggests that he himself has reservations about it.

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4. The Agency has made available to the HSCA two studies conducted in 1967 and 1968 by SE Division, both of which questioned Nosenko's bona fides. A subsequent study by the Office of Security in 1968 has also been made available; it reached a conclusion contrary to the preceding studies and supports Nosenko's bona fides. Other Soviet defectors have been interviewed by the HSCA staff, as well as knowledgeable CIA officers and retirees. As a result, much of the information on the case has been revealed to the Committee.

5. The two SE Division studies, concluding that Nosenko was a KGB agent, were superceded by the Office of Security study, which prevailed. The HSCA investigators reportedly have problems with how the earlier two studies could be rejected so shortly after their completion. As a result, the HSCA seems focused on the issues as viewed at that time. The Hart report has the advantage of having been prepared after a ten year period, during which experience with the validity of Nosenko's information provides the basis for an objective re-examination. It is relevant to HSCA interests that the Hart Report constitutes a convincing statement of the bona fides of Nosenko. Access to this portion of the Hart Report would help broaden and complete the understanding of the HSCA of the matter.

6. Because of the above, the Agency has everything to gain and nothing to lose in providing the Hart Report for its review of the issue of Nosenko's bona fides.

II

7. In addition to the central issue of Nosenko's bona fides, Chairman Stokes has expressed interest in the treatment accorded Nosenko during the period that his bona fides were in question. Nosenko reportedly has provided the HSCA with some detail on this. We have made the point that how Nosenko was treated was a result of the issue, not a part of it. When we questioned the relevance of this line of inquiry to the HSCA charter, HSCA staff representatives assert that their charter extends to the conduct of the intelligence agencies in the Warren Commission inquiry which includes this. The rationale appears a bit contrived and stretched in terms of the real issues. How Nosenko was treated may indicate how concerned CIA was with the man's bona fides, but so far as relating further to the inquiry concerning President Kennedy's assassination, it seems marginal at best. The rationale is so far-fetched that we have been led to consider that its dramatic qualities are attractive for the projected TV spectacular this coming September. It also doubtless provides an opportunity for public criticism for those staff members who have been acknowledged by Mr. Blakey as hostile to the Agency.

8. If the rationale of the HSCA for pursuing the question of Nosenko's treatment is contrived, and largely peripheral to the real purpose of the Committee, as we believe it to be, it should be faced in those terms. No one would disagree with there being relevant inquiries, but it is hardly proper to take an internal critique and turn it against the Agency on a point irrelevant to the central purpose of the inquiry. The HSCA staff position is tendentious, and reflects on its face a hostile attitude that the Committee may not otherwise want to be so obvious. The Committee has the right to determine what is relevant to its charter, but the Agency should also assert a similar right to defend itself from truly peripheral and hostile fishing expeditions.

9. Therefore, while we believe that the Hart Report should be made available to the HSCA staff, we do not believe that such action should be taken prior to attempting to limit the use made of information contained in the Report not related to the issue of Nosenko's bona fides.

III

10. There are aspects of the Hart Report that contain information on foreign liaison services that should not be exposed to the HSCA. There is, therefore, a question of some sanitization to be conducted prior to the Report's being made available.

11. A version of the Report has been prepared for the FBI in which the names of employees below the DCI have been removed, as well as certain modifications in more dramatic rhetorical phrases. That version is in other respects faithful to the original Report. It provides a working basis for further sanitization. Sanitization prior to review is not foreign to the HSCA, as the Directorate of Operations has had a continuing policy of selected sanitization. Extending this practice to the Hart Report would be consistent with the extant working relationship with HSCA. The Report will remain classified.

12. If the paper is made available, classified and sanitized, it should be on a highly restricted basis; the HSCA wants six named persons to have access to it, which is at least three times the number needed for bona fide research purposes.

13. Staff Position: This paper favors making a sanitized version of the paper, in classified form, available to a limited number of the HSCA staff representatives at the CIA Headquarters Building at Langley. Any such release should be preceded by appropriate discussions limiting use of the material by the Committee. The General Counsel is of the opinion (Tab B)

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that if the paper is withheld, and a court test results, the Agency must expect to fail in withholding the paper. The Office of the General Counsel, the Office of Security, SE Division and CI Staff favor making the paper available under the conditions set forth above.

14. Recommendation: That you approve granting access to a limited number of staff members of the HSCA to a classified, sanitized version of the Hart Report. Such access shall be conditioned on agreement to limit use of materials contained in the Report to those matters relating to the question of Nosenko's bona fides.

S. D. Breckinridge

Attachments

CONCURRENCE:

SIGNED — 31 MAY 1978

General Counsel — Date

Chief, SE Division — Date

Chief, CI Staff — Date

1 JUN 1978

Director of Security — Date

/s/ Frank C. Carlucci

APPROVAL: Director of Central Intelligence — Date

DISAPPROVAL: Director of Central Intelligence — Date

SECRET

SUBJECT: House Select Committee on Assassinations
Request for Access to the "Hart Report"

Distribution:
Orig - Adse
1 - DDCI
1 - ER
1 - OGC
1 - C/SE Div
1 - C/CI Staff
1 - SA/DO/O
1 - D/OS
1 - OLC/Subj
1 - OLC/Chrono
OLC/SDB/ksn (30 May 78)

13-00000

c/ct

11 March 1993

NOTE FOR: Deputy Director for Operations

FROM: Peter Earnest
Chief, Media Relations

SUBJECT: WASHINGTON POST Request to Talk to an Agency Specialist on the Kennedy Assassination

The WASHINGTON POST is preparing a series of articles on the occasion of the 30th anniversary of the Kennedy assassination.

With the help of CIC, we recently arranged for George Lardner and Walter Pincus of the WASHINGTON POST to interview former KGB officer Yuri Nosenko about his knowledge of Lee Harvey Oswald during the time Oswald lived in the Soviet Union. To ensure that Nosenko's resettlement identity and location would remain protected, I made the arrangements for Nosenko to come to Washington for the interview.

The POST reimbursed Nosenko for expenses and paid him a $250 consulting fee. The interview was done on Wednesday, 3 March, at the POST offices downtown. I did not remain for it. Lardner and Pincus also hosted a lunch for Nosenko which was attended by Ben Bradlee. Lardner and Pincus were very pleased with their session with Nosenko and appreciative of our making it possible. I also spoke afterwards with Nosenko who said he was satisfied with how the interview was conducted and with the financial arrangements.

Shortly after the interview, Lardner faxed me a list of the questions that he and Pincus had prepared for themselves to use in checking out Nosenko's information. They asked if there was anyone at the Agency they could talk to about the individuals named. I told them that developing information in response to their questions would probably take a good deal of research and that I doubted the Agency would be able to take on such a task at this time for the POST. However, I said I would take it up with the appropriate offices.

Although I told the POST that I do not believe anyone would be willing to undertake research on their questions, I'm wondering if there is anyone around who might be knowledgeable of Nosenko's information who would be willing to talk with Lardner and Pincus on background based on his/her existing knowledge. I think Lardner and Pincus would be grateful for making such a person available even if

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SUBJECT: WASHINGTON POST Request

all their questions aren't answered. Considering that they are trying to do serious research on the Kennedy assassination, I think any effort on our part to help them would be seen as a gesture of good will.

Peter Earnest

Attachment:
As stated

______Agree to having a specialist talk to them on background about the Nosenko information if an appropriate person is available.

______No, do not want anyone from the DO talking about the Nosenko information.

13-00000

SUBJECT: WASHINGTON POST Request to Talk to an Agency specialist in the Kennedy Assassination

DCI/PAI/Earnest:ncbx37758 (11 March 1993)

Distribution:

Original	Addressee
1	ADDO
1	SA/DDO
1	DO Registry
1	D/PAI
1	D/DO/CIC
1	C/DO/NROC
1	C/DO/CE
1	C/CSI
1	C/History Staff

Names of Russians we should try to track down about Lee Harvey Oswald, Yuri Nosenko and the JFK assassination:

1. General Oleg M. Gribanov, head of the Second Chief Directorate of the KGB in the early 1960s where Nosenko says he worked, primarily against American tourists, as deputy chief of the Seventh Department. Nosenko described himself as sort of favored by Gribanov and he said Gribanov instructed him, after the JFK assassination, to retrieve the Oswald file from the Minsk KGB right away.

2. Anatoliy Koralenko, deputy chief of the Second Chief Directorate or one of its departments, at time of JFK assassination. Nosenko said when the file arrived from Minski, he and Koralenko were going over the all-important first volume--and finding KGB had nothing to do with Oswald--when a KGB officer from the First Department came in and picked it up on Gribanov's orders, to review it and write a summary of it.

3. The officer who picked it up was Col. Matveev, deputy chief(I think) of First(or American) Department, Second Chief Directorate. Unhave first name.

4. Chief of this First Department was Col. Sergei M. Fedoseyev or Fedoseev and presumably he would have had a hand in or supervised preparation of the "spravka" or summary.

5. Gribanov and more than 40 other KGB officers were kicked out because of Nosenko's defection, according to Nosenko. That right? What happened?

6. Maj. Georgi Rastrusin. Was in 1959 a senior case officer in KGB responsible for Intourist matters. Nosenko says that it was Rastrusin who told him about Oswald and how he wanted to stay in Soviet Union. Nosenko said Rastrusin said Oswald "doesn't present interest" to KGB and Nosenko checked out with his superiors. Word came back not to bother with Oswald. Nosenko was told to tell Rastrusin to tell Intourist to deal with him.

7. Rastrusin returned next day and said we got a problem. Oswald tried to kill self, etc. KGB washed hands of him, decided to let Intourist deal with him. Intourist then part of Ministry of Foreign Trade. Nosenko said he believes question of what to do with Oswald was run to top of that ministry and beyond, to Khruschev or one of his deputies. In any case, decision was made to let Oswald stay in Minsk. But not, Nosenko says, by KGB.

8. In the fall of 1963, a KGB colleague, M. I. Turalin, Service No. 2(counterintelligence in foreign countries), First Chief Directorate, told Nosenko orally that Mexico City station had just sent a cable about a request by Oswald for a visa to re-enter Soviet Union. What should be done?

Nosenko said he said, 'wait a second. How come he's back in America?' At that point, Nosenko said he hadn't know Oswald had gone back.

9. Nosenko said he said let's go to chief of department who he identified as a Col. Chelnekov or Chelnenko(but later seemed to say his timing might be off and somebody else may have been chief of Nosenko's department at the time). In any case, Nosenko quoted chief as saying, in effect, 'I remember this crazy nut. No. No. No. Tell them we don't have any interest.'

Cable back to Mexico City advising KGB there get rid of Oswald by telling him to go back to his own country and apply for a visa at Soviet Embassy in Washington, etc., etc.

10. Col. Gruzdev, was chief of the KGB department in Minsk that was responsible for foreigners there.

11. Oleg Nechiporenko, one of three KGB officers stationed in Mexico City who reportedly interrogated or dealt with Oswald on his visit to Embassy there. Now living in Moscow area.

Other two Mexico City officers, both still alive in Russia: Valeriy Kostikov and Pavel Yatzkov.

f.6

3 March 1994

Memo to: C/HRG

Subject: Mangold Litigation

Today I alerted OGC (Theresa Wilcox/[redacted]) that the JFK collections contains a significant number of documents on Nosenko (5-6000 pages) which may impact on the Mangold litigation. As I understand it, the Mangold Litigation is over the Angelton files and is several years old. According to JFK reviewers at the FBI, documents on Nosenko's defection and treatment are part of case. I talked with Theresa Wilcox who is the para-legal handling the litigation, however, she was not familiar with the documents involved. She will consult with [redacted], the lawyer on the case, and get back to me.

I consider the ball in OGC's court. I propose that we continue to review the Nosenko files. If there are Mangold or other consideration to address, we can do so after the HRG review is complete.

Barry

13-00000

9 Nov 94

Re: NOSENKO

Having Reviewed Box 45 — We note several Reports, not completely identified as to author.

(1) "Conclusions & Comments in the Case of Yuriy I. Nosenko" (att. XI-68) (the Solie Report) — 264 pgs.
(This is in Box 45, Folder 8)
(It has been released in JFK) — JFK 62-F9
(It concludes NOSENKO is GOOD)

(2) "Case of Yuriy I Nosenko" (835 page study) dated February 1967

(No indication that it has been released)
(Believe it was prepared in SB (perhaps by Bagley — or perhaps with CI/STAFF)
(It concludes NOSENKO is BAD

(3) "The Examination of the Bona Fides of a KGB Defector" — TS # 197124
(447 pages) dated FEBRUARY 1968

(This is found in ORIS Box 62 JFK—FLD 9)
(It was released except for ANNEX A which is found in Box 45 F. 23.

(It concludes ~~he~~ NOSENKO WAS NOT Bona fide.)
(Don't know author).

Jm)

13-00000

INTERNAL USE ONLY

23 March 1994

Memorandum For: C/HRG

Subject: Nosenko and the Mangold Litigation

I received a call from Kathy Kelly, OGC, this morning concerning the Nosenko files in the JFK files. I described the files again (about 4000+ pages that include transcripts of all his interrogations and numerous studies on his bona fides and treatment by the Agency including the Solie and Hart reports and an 835 page comprehensive study). Since Nosenko is an important figure in the JFK assassination story and the files are part of the sequestered collection, HRG is reviewing the files under the JFK Assassination Records Collections Act. However, we were aware that some of the documents were part of the Mangold litigation and wanted to make sure that they were properly coordinated.

Kathy Kelly said that the Mangold litigation should not be a factor in HRG's review. If the files were subject to the JFK Records Act, they should be processed under that Act. When the review is complete, a list of the documents released should be provide so that OGC can treat them the same in the Mangold case.

I also talked with Kathy Stricker (yesterday) to get some background on the handling of Nosenko files and what were the "secrets" given what we know is publicly available. She said for years the agency "glomared" Nosenko except for the Oswald information: however, once Golitsyn became public that ended. Today, the battle over his bona fides and how he was treated are public knowledge. The Agency up until a couple years ago had not released some of the studies (she mention Solie) but she was not sure that this was still the case or if it was possible to continue to deny them. DO has protected the information provided by Nosenko on other Soviet sources and leads for possible recruitment. This type of information should continue to be protected.

Kathy Stricker's comments are consistent with HRG's handling of the Nosenko files. We are considering all of the files as related; his bona fides is a key element of the story and there was a large amount of information including parts of the studies on him in both the Oswald 201 and the JFK hard copy collection. We have deleted information provided on other sources and operations not related to the JFK story. We are also recommending release of the rest of the studies. Although they contain potentially embarrassing information for the Agency (as did the IG report on the Castro plots), there doesn't appear to be grounds for denying under the JFK Act.

5/94

Restrictions on Declassifying Material on Yuriy Ivanovich NOSENKO

The following should be used as guidelines in declassifying material files pertaining to the career and "bona fides" of Yuriy Ivanovich NOSENKO

1. <u>CIA Knowledge of Russian intelligence tradecraft.</u> Specific information in the files about KGB targetting of American citizens could reveal to the Russian Intelligence service our knowledge of their tradecraft. Since the Russian services continue to target Americans, this information should continue to be protected.

2. <u>To protect a CIA asset</u>. Yuriy Ivanovich NOSENKO remains an asset of this agency, and is under contract. Moreover, the Russian Foreign Intelligence Service (SVRR) remains interested in NOSENKO's whereabouts and activities. Russian intelligence services since the Second World War have tried to track their defectors. There are indications that the Russian services remain interested in the NOSENKO case.

* o At the time of his arrest, Rick Ames had some NOSENKO files (AESAWDUST) in his possession. The US Counterintelligence Community is unsure if this material was passed to the Russian service.

--Following NOSENKO's brother and mother's visit to the United States, both were questionned by the Russian service about NOSENKO's activity and place and residence.

Legal position
CI.

Mr. Robert Pringle
2909 Rock Manor Court
Herndon, Virginia 22071

Dear Bob,

It was very good to meet with you again in Washington on June 12.
I am writing to confirm our recent conversation about the CIA's release of documents about me to the National Archives. As I explained to you at our meeting, I am very displeased that this was done without my knowledge and especially since my photograph was officially released by the Agency for the first time in thirty years.

As you know, it has come to my attention that the CIA released these many hundreds of pages to the public without consulting me or telling me that this was going to be done. I have already seen copies of two of these reports totalling more than 700 pages. One is the October 1968 report supporting me by Bruce Solie; the other was a February 1968 report by the CI Staff which attacked my credibility. (This latter report contains a copy of my photo from the late 1960s. I consider this a breach of my personal security.)

I also consider many of the details in both of these reports to be of a very personal nature. Other pages deal with with some very sensitive cases which I gave the Agency about other people. The information in these reports was given freely and accurately by me to the CIA officers in the 1960s under terms of strict confidentiality. Although it is very difficult for me to say this, I feel that my trust in the Agency has now been seriously damaged.

This release particularly troubles me because for the past thirty years I have remained very loyal to the Agency and considerate of its wishes. For instance, despite many requests, I have only spoken to a few journalists, and only when the Agency advised me to do so. I have never sought

on my own to publish my story in an article or book. But now, the CIA has not returned this courtesy. Instead, it has released sensitive information to the public without speaking to me first.
Under the circumstances, I would like to respectfully request the following:

1. That you show this letter to DDO Ted Price, Director James Woolsey, and the current heads of the CIA's Freedom of Information Office and Historical Review staff -- so that they are aware of what has happened.

2. I would like to receive, in writing, an explanation from those responsible of why this release was done.

3. I would like to receive a list of the major reports about me which have already been released. Aside from the two reports that I already have seen, I would like to receive copies of any other major studies that have been released. (For instance, if there are reports released by Peter Bagley, Newton Miler, James Angleton, the CI Staff and John Hart, then I would like to see them as well.)

4. I would like to be given the Agency's written assurance that further releases will not occur without consulting me first.

Bob, you should know that before I wrote this letter I have spoken about this matter with my good friend George Kalaris. He too was troubled by what I told him, and he advised me that I should ask the Agency for an explanation.
Bob, I apologize for troubling you with this matter, but I have no one else to turn to for assistance.
Please let me know if there is any response as soon as possible.

Respectfully yours,

13-00000

SEP 16 '94 09:50AM P.2/4

Secret

Draft letter to Nosenko from the DDO

Dear ,

The Director has asked me to respond to your letter expressing concern that US Government declassification of material could compromise your privacy and security.

In regard to your question about the documents that have already been released, rest assured that I have directed officers responsible for FOIA requests to take special care in reviewing information concerning you in light of your special circumstances. We will make full use of all possible ~~exceptions~~ exemptions to FOIA-mandated declassification in order to protect your privacy.

As you know, in 1992 Congress passed the JFK Assassination Records Collection Act, which required all US Government agencies to release any records related to the investigation of the assassination of President Kennedy. As Deputy Director for Operations, I am of course committed to fully supporting the DCI in meeting this requirement, but I also appreciate your concern about the files on you that are related to the assassination. I have therefore directed a senior officer in the DO to meet with the officials in the Agency's ~~historical staff~~ Historical Review Group who are involved in the declassification program. This officer has had extensive discussions with members of the ~~staff~~ Group and has worked closely with them to identify those portions of the files that include personal and operational information.

As a result of this effort, we have ~~postponed release of any~~ taken special steps to protect all sensitive information touching on your private life or on operational information pertaining to your debriefings. Under the JFK law, a Presidential Review Board will make the final decision on the disposition of the material. This Agency values the sacrifices you have made for our country, and we will present the Board with the strongest possible case for protecting information that could affect your privacy and security.

Best wishes,

Secret

UNCLASSIFIED

17 April 1997

Sue Amiano, SA/CIC, gave to Gary Brenneman to give to Barry Harrelson, Historical Review Group, X31825, 2 soft files entitled:

1. "WARREN COMMISSION/OSWALD"

2. "DOCUMENTS YURI Ivanovich NOSENKO/OSWALD"

found by Al Bonner in the vault.

Received — 17-APRIL-97

GARY M. BRENNEMAN

UNCLASSIFIED

30 April 1997

Note To: ARRB Staff

Subject: CIC Soft files:
1. Warren Commission/Oswald
2. Documents Yuri Ivanovich NOSENKO/Oswald

The attached files were located in CIC. They are soft (or working) files containing information on Nosenko, Warren Commission and Oswald. It is not clear if the files date from the Warren Commission period, or were created in 1975/76 (latest date of documents) in response to a request or investigation.

Most of the documents are in the sequestered collection (OGC folders). The other documents may be in the Norsenko material put aside for discussion with the ARRB or in the Microfilm part of the sequestered material (the Microfilm is not indexed document by document).

30 April 1997

Note for the Record

Subject: CIC Oswald/Nosenko related soft files:

1. Warren Commission/Oswald
2. Documents Yuri Ivanovich NOSENKO/Oswald

1. I advised Sue Amiano, SA/CIC, that most of the documents in the two folders are duplicates of documents in the CIA JFK Collection sequestered by the HSCA. The other documents are related to Nosenko, but do not mention Oswald. These documents are probably duplicated in the Nosenko material set aside for discussion with the ARRB. I recommended that we make the folders available to the ARRB staff. She concurred.

2. Documents will be made available to Michelle Combs, ARRB staff, on her next visit.

Barry

13-00000

f.16

TO: Eileen M. Wukitch
FROM: James W. Zirkle
DATE: 08/01/97 09:54:03
SUBJECT: Re: The Nosenko Papers

CL BY: 2034442
CL REASON: 1.5(c)
DECL ON: X1
DRV FROM: HUM 4-82

Eileen: Let me introduce myself. I am CIC/Legal. C/CIC asked me to touch base with you concerning any possible ARRB release of privacy information concerning Nosenko. While we are aware that such a decision to release is within the Board's discretion, we do believe that the Agency, when giving this information over to them, should request that the Board protect such information to the maximum extent possible. If I can be of help in that regard just let me know. Jim

From the Desk of Dennis D. Lamb

NOTE FOR: *Ron L. Seckinger*
FROM: *Dennis D. Lamb*
DATE: *07/31/97 10:44:28*
SUBJECT: *The Nosenko Papers*

CL BY: 0790429
CL REASON: 1.5(c)
DECL ON: X1
DRV FROM: HUM 4-82

At about 1020 hrs on Tuesday, 31 July, I received a call from Eileen Wukitch of the Agency's External Support Group/Historical Collection Staff regarding Michelle Combs's interest in reviewing the Nosenko papers for the upcoming meeting of the Assassination Records Review Board (ARRB) on 5 August. Wukitch said Combs, an ARRB staffer, is planning on taking 20 pages of the Nosenko material with her. Wukitch wants to know whether we would like copies of the material Combs is taking. I said yes. Wukitch said Combs appears understanding of our concerns in this case and to this end wanted the following questions answered so she could put a human touch on our concerns in explaining our position to the ARRB.

1. Is Nosenko married? (No one in CIC/AG knows.)

2. What part of the country is he living in? (This is known, but I can't see why she or the ARRB needs to know.)

3. Did the Soviets actually sentence Nosenko to death? Or was this just his claim. (No one in CIC/AG know, but it appears reasonable to assume that the Soviets did sentence him to death.)

4. Nosenko's current age? (No one in CIC/AG knows off hand. Henry's observation was that Combs can find this out from open literature.)

According to Wukitch, Combs also wants to take to the ARRB two letters pertaining to the affair: the letter Nosenko wrote in 1994 objecting to the release of his material without his being consulted or advised, and the letter Ted Price wrote to him in response assuring him that everything possible would be done to prevent further release of his papers. I don't see any problem with this since the papers would support our position--unless the ARRB starts thinking about releasing the letters also.

Wukitch said she told Combs CIC would have Bob Pringle, former Chief of AG/FIOB currently serving as Officer in Residence at the University of Kentucky, flown in to address the ARRB if this appears necessary. Combs will pass this on to the ARRB. Wukitch noted that Combs alluded to the possibility that that ARRB might want to talk with Nosenko himself.

CC:

CC: John B. ENGBERT, Nancy T. BRUNONE, Edgar C. BAUML, Dennis D. Lamb, Curtis L. MACKIAN, Jacqueline Frankfort @ DCI, Ron L. Seckinger

MEMORANDUM

August 5, 1997

To: T. Jeremy Gunn

From: Michelle Combs

Subject: Yuriy Ivanovich Nosenko

I have prepared this memorandum at your request for the upcoming meeting where the Board will be briefed on issues related to the Soviet defector, Yuriy Nosenko.

Summary and Recommendation

The information on Yuriy Ivanovich Nosenko contained in the CIA Sequestered Collection microfilm consists of approximately 3500 pages of interviews, transcripts, memos, and reports. Of the total, approximately 1200 have been released to the public as open in full or with only minor redactions. Of the 1200 released pages, roughly 800 contain information directly relevant to Lee Harvey Oswald and the Kennedy assassination.

After my review of the Nosenko records and our discussion of the issues, it is our judgment that the remaining 2300 pages are unrelated to the assassination of President Kennedy and we recommend that they be processed as "NBR." These NBR records consist of such items as general family and professional contact information, Soviet intelligence methodology and operations, and Soviet navy information dating to Nosenko's early career in Soviet Naval Intelligence. I suggest that we review carefully these 2300 records to ensure that there is no assassination-related material, and, to the extent this is correct, we should process them as "NBRs."

Background on Nosenko

KGB Lieutenant Colonel Yuriy Ivanovich Nosenko first secretly contacted the CIA in Geneva in June 1962. One and a half years later on February 4, 1964, he defected to the United States for what he said were ideological reasons. His case became the single most difficult counterintelligence case in the Agency's history to date. Nosenko's information on the assassination of President Kennedy made his bona fides of more importance than simply a means to determine his true identity or whether he was the prototype of a KGB disinformation plot against Western intelligence agencies.

The conflict over Nosenko began two and a half years prior to his actual defection, in

13-00000

December 1961, when Anatoliy Golitsyn, a KGB defector, predicted that the KGB would dispatch false defectors after him to discredit him and confuse Western intelligence agencies as part of a massive disinformation campaign. Golitsyn, who had described a darkly intentioned monolithic Russian master deception plan and Soviet intelligence agencies of brutal efficiency, claimed that Nosenko was the most important of these fake defectors and that any Soviet sources who came later and supported Nosenko's bona fides would also be false. Golitsyn was wholly believed by Counterintelligence Chief James Angleton, who shared Golitsyn's world view. Golitsyn argued that any CIA officers who believed Nosenko should be considered as moles themselves.

Nosenko's first four meetings with the CIA in Geneva in June 1962 produced an intelligence bonanza and the two CIA officers (George Kisevalter and Peter Bagley) who met with him believed he had conclusively proved his bona fides. During his debriefings in 1964, Nosenko provided detailed information about Lee Harvey Oswald's stay in the USSR which, he said, had come across his desk routinely as the deputy chief of the Second Chief Directorate (SCD) department responsible for watching American visitors in the USSR.

With Golitsyn arguing against Nosenko's bona fides, plans were made in March 1964, to imprison Nosenko and begin hostile interrogations to find any shifts in his information. On April 2, Deputy Director for Plans Richard Helms and Soviet Division Chief David Murphy met with the Deputy U.S. Attorney General and obtained legal approval from the Justice Department to imprison Nosenko so that he could not communicate with his supposed KGB controllers. On April 4, he was imprisoned in an attic room in a CIA safe house near Washington. Nosenko was kept in solitary confinement, subjected to physical and mental torture, and submitted to hostile interrogations from April 4, 1964 to October 27, 1967 first at the safe house and then in a specially built cement house in Virginia. Despite over three years of severe treatment, Nosenko's original story remained unchanged, no "confession" was forthcoming, and no evidence was produced indicating he was, as Golitsyn still claimed, a fake defector.

On August 8, 1968, Nosenko was polygraphed for the third time by an Office of Security specialist. During the examination, Nosenko was asked whether he had told the truth about Oswald and the Kennedy assassination; the polygraph operator found only positive responses to the questions. Security Officer Bruce Solie submitted a comprehensive report in October 1968 which evaluated all of Nosenko's information, to date, and concluded that he was what and who he had claimed to be all along. After a review of his case by the Soviet Division, Nosenko was finally released from CIA custody on March 1, 1969 and employed as an independent consultant by the CIA.

File 4.0.2 Nosenko
Combs e:\nosenko.wpd

In the 35 years since Nosenko first approached the CIA in Geneva, no prima facie evidence has ever emerged to prove that he was a KGB provocation and subsequent defectors have affirmed him as a bona fide defector. He has identified many hundreds of Soviet intelligence officers, provided a considerable quantity of useful information on the organization, doctrine and methods of the KGB, and conducted numerous special studies on Soviet subjects. Today, Nosenko is seventy years old, recently retired as a contractor from the CIA, an American citizen, married, and living quietly in the Sunbelt.

File 4.0.2 Nosenko
Combs e:\nosenko.wpd

13-00000

6 October 1997

Note To: DO

From: Barry Harrelson
JFK Project Officer
Historical Review Group

Subject: Nosenko records in JFK Collection

The ARRB (JFK Board) staff has agreed to accept CIA's designation of 25 folders of the Nosenko material in the JFK sequestered collection as "not believed to be relevant" (NBR). The staff plans to present their proposal to the JFK Board at the 14 October meeting. The Board requires a description of all NBRs to be made available to the public. Please review the attached draft prepared by ARRB staff member, Michelle Combs, for classification and public release. The ARRB staff needs a response by COB Thursday if possible. HRG/DO JFK reviewers here have no problem with the draft and recommend release. If you have any questions, call me on 31825. Thanks.

BH
Barry

Per phone call from Dennis Lamb 8 Oct 97 1:30+ p.m. CIC has no problem with attached description of Nosenko files.

BH

Folder Summaries of the Nosenko Material Not Believed to be Relevant to the JFK Assassination

Reel 45, Folder 3

During July and August 1965, Peter Deryabin, a Soviet defector, conducted a series of interrogations of Nosenko in conjunction with CIA efforts to establish Nosenko's bona fides. This folder contains one 66 page verbatim transcript of two interrogation sessions which cover Nosenko's family, background, early career and Komsomol experiences.

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Reel 45, Folder 8A and B

Folder 8A contains the 263 page "Conclusions and Comments in the Case of Yuriy Ivanovich Nosenko" 1 October 1968 report by Bruce Solie, Deputy Chief of the Security Research Staff which concludes that Nosenko is a bona fide defector and should be believed. A sanitized version of the Solie report has been released to the public. The NBR document in folder 8B is a 135 page report on Nosenko prepared in April 1969 by N. Scott Miler of the Counterintelligence Staff (DC/CI/SIG) based on the comments and questions of Anatoliy Golitsyn. The report contains Golitsyn's comments on inconstancies he believes exist in Nosenko's testimony and his recommendations for further questioning. Golitsyn believed Nosenko was a dispatched agent.

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13-00000

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Reel 62, Folder 3

This folder contains a 75 page verbatim transcript of two interrogation sessions by Peter Deryabin which detail Nosenko's career progress, and a disciplinary problem and its impact on his promotion schedule in the KGB.

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Reel 62, Folder 5

This folder contains two verbatim transcripts (33 and 46 pages) of interrogation sessions by Peter Deryabin which cover specific KGB operations and a particular KGB operation targeted against an American tourist.

Reel 62, Folder 6

This folder contains one 22 page verbatim transcript of two interrogation sessions by Peter Deryabin which cover a particular KGB operation targeted against an American tourist.

Reel 62, Folder 7

This folder contains one 84 page verbatim transcript of two interrogation sessions by Peter Deryabin which cover Nosenko's education, Navy career, and a particular KGB operation targeted against an American tourist.

Reel 62, Folder 8

This folder contains an eight page verbatim transcript of an interrogation session by Peter Deryabin in which Deryabin encourages Nosenko to confess that he was sent under KGB control and to think about becoming a double agent. Nosenko says that he has been telling Deryabin the truth all along.

Reel 62, Folder 9

This folder contains 51 pages of 12 Deryabin reports on his interrogation sessions with Nosenko in July and August 1965. The information in these reports summarizes information detailed in the actual interrogation transcripts.

Reel 62, Folder 10

This folder contains a mix of intra and inter-Agency memoranda pertaining to the handling of Nosenko and is labeled "TS Material from Deryabin Safe." This folder was not examined by the HSCA staff. Thirty-seven pages of documents have been released to the public. The 97 pages of NBR documents include: correspondence with various US Government agencies and the Attorney General, memoranda on Nosenko's day to day handling, emergency procedures for Office of Security guards assigned to Nosenko, a report to the CIA Inspector General on the Nosenko case, Nosenko's request for political asylum, copies of his subsequent contracts with the CIA as an independent contractor, and additional reports, memos, and briefings concerning the Nosenko case and his handling.

MEMORANDUM

October 9, 1997

To: Jeremy Gunn
Executive Director

cc: Tom Samoluk
Deputy Director

From: Michelle Combs MC

Subject: Files on Yuriy Ivanovich Nosenko in the CIA Sequestered Collection Microfilm Containing Information of No Believed Relevance to the Assassination of President John F. Kennedy

The information on Yuriy Ivanovich Nosenko contained in the CIA Sequestered Collection microfilm consists of approximately 3600 pages of interviews, transcripts, memos, and reports. Of the total, approximately 1200 pages have been released to the public as open in full or with redactions. Of the 1200 released pages, roughly 800 contain information directly relevant to Lee Harvey Oswald and the assassination of President John F. Kennedy. Although all of these 800 pages have been released in redacted form, we have asked the Agency to re-review them under the standards of the JFK Act before we submit them to the Board.

After my review of the Nosenko records and our discussion of the issues, it is my judgment that the remaining approximately 2400 pages are unrelated to the assassination of President Kennedy and should be processed as "NBR." These NBR records, which are described on the attached list, consist of such items as general family and professional contact information, Soviet intelligence methodology, personalities, and specific operations, and Soviet Navy information dating to Nosenko's early career in Soviet Naval Intelligence. Much of the information consists of various attempts by the Agency in the 1960's to establish Nosenko's bona fides. The October 1968 Solie Report, which has been released in redacted form and will be re-reviewed under the JFK Act, establishes Nosenko's bona fides. The conclusions of the Solie report were reaffirmed in a 1976 report by John Hart. A brief summary of the conclusions of the Hart Report will also be processed for release.

The approximately 2400 pages of proposed Nosenko NBR records have been reviewed carefully to confirm that they contain no material helpful to a deeper understanding of the assassination. During the review some additional material, not previously released, which may add to an understanding of the Nosenko story, was marked relevant and identified for processing and review.

16 October 1997

MEMORANDUM FOR: Fredrick C. Wickham @ DO
DO JFK Board Focal Point

FROM: J. Barry Harrelson
JFK Project Officer

OFFICE: CSI/HRG

SUBJECT: Agenda for ARRB meeting 17 November 1997

REFERENCE:

The following issues are tentatively scheduled for action at the next JFK Board meeting:

1. Date of release of Nosenko material; see memo on results of Oct. meeting.

If you or CIC have any comments on the proposal to change the release date (subject of Agency review and appeal) from 2017 to 2010, please provide them to me by 23 October.

2. State cover

This issue originally surfaced in April and was scheduled but not addressed at the September meeting. I recommend that you review the material we sent the ARRB staff for the September meeting to determine if you want to provide additional "evidence". Are there other components that should be consulted on this issue? Sue Burggraf was involved in discussions in April.

3. DRE Monthly Reports. This is a long standing request from the Board staff. Please provide a status of the request by October 21.

CC: John Pereira @ DCI
Eileen Wukitch @ DO

Sent on 16 October 1997 at 04:57:17 PM

FAX Rec'd TODAY 10/31/97 Re NOSENKO

SECRET

28 October 1997

SUBJECT: Disclosure of Information on Yuriy Ivanovich Nosenko

NB

1. The Board intends to declassify and release for public consumption, approximately 2400 pages of counterintelligence staff studies, interrogation reports, file reviews, and bona fides studies on Yuriy Ivanovich Nosenko. These studies contain sensitive personal and operational material completely unrelated and irrelevant to Lee Harvey Oswald and the assassination of President Kennedy. It has been officially stated and documented that the remaining Nosenko records have been carefully reviewed to confirm that they contain no material helpful to a deeper understanding of the assassination. Mr. Nosenko has adhered time and time again to the stipulations of his Memorandum of Understanding not to divulge his relationship with this Agency, even in view of the less than satisfactory conditions this Agency forced upon him during his early resettlement. Public disclosure of the remaining documents would constitute an unwarranted invasion of his personal and professional privacy not to mention the breech of trust on the part of this Agency to protect his right of privacy and above all, his security. This trust was reconfirmed in a personal letter from the former DDO, Ted Price, in September 1994, stating that we would take special steps to protect any sensitive information touching on Mr. Nosenko's private life or on operational information pertaining to his debriefings. The letter further states that this Agency valued the sacrifices he made for our country, and every effort would be made to protect information that could affect his privacy and security. The question has been asked before. Should we not show the same integrity that we expect from those who put their lives on the line in defense of our national interests?

2. Furthermore, the recruitment of sources of high intelligence value has always been this Agency's top priority. Public disclosure of this information could do irreparable damage to our ability to attract individuals who admire the US and might be disposed to collaboration. Disclosure of cooperation with the USG would cause any potential source to think twice before placing his life in the hands of an organization who cannot protect his information. For those individuals such as Mr. Nosenko, who placed their trust in this country in the past, entered our resettlement program, and are now US citizens, the indiscriminate release of information, some of it very personal

CL BY 0489514
REASON 1.5(c)
DECL X1
DRV DEF 2-82

SUBJECT:

and with no real relevance to any national issue, seriously erodes this Agency's credibility and undermines our Resettlement Program.

SECRET

CL BY: 611637
CL REASON: Section 1.5 C
DECL ON: X1
DRV FRM: LOC 5-82

5 November 1997

MEMORANDUM FOR: John Pereira @ DCI
Fred Wickham @ DO
Lee Strickland @ DA
Kathryn Dyer @ DCI
Linda Cipriani @ DCI

FROM: J. Barry Harrelson
JFK Project Officer

OFFICE: CSI/HRG

SUBJECT: 17 November JFK Board Meeting-- CIA issues (update)

REFERENCE:

1. The following CIA items are on the agenda for the 17 November ARRB meeting:

- (S) Reconsideration of the release of Warrenton, Va. as the location of the CIA Record Center.

In addition to written evidence being prepared by DA, the Agency has been offered the opportunity to brief the Board.

- Chairman Tunheim's proposal to advance the opening date of the Nosenko NBR (Not Believed Relevant) material from the 2017 per the JFK Act to the year 2010.

The ARRB staff disagrees with the Board on this issue and will recommend that the release date remain 2017. However, they are not confident that the Board will accept their recommendation and has requested the Agency's position on the 2010 date. If the Agency opposes the 2010 change in the date, I will need a memo from the DO explaining why. We could offer a compromise--accept the 2010 date provided the Agency has the same right in 2010 as 2017 to review and appeal the release of the records. I have ask OGC for a legal opinion. Please note that this decision affects only those documents designated "NBR" by ARRB. The documents declared to be Assassination Records (AR) will be re-reviewed and released, either sanitized or in full, during the coming year.

- (S) Proposed release of reference to CIA employee being under "integrated State cover".

We have provided written evidence (DO note coordinated with State and copy of MOA between CIA and State). According to the ARRB staff, some Board members consider CIA use of state cover as an "open secret" and are inclined to release. We have been offered the opportunity to brief the Board.

SECRET

- Cuban Revolutionary Council (CRC) financial records.

ARRB staff plans to recommend to the Board that monthly summaries be considered ARs and the remaining material be designated NBR. Samples of these documents have been provided to DA, DO, and DCI/IRO. If you have any comments or objections, please forward them to me by COB Wednesday.

- Documents containing long lists of names, crypts, companies, etc. These include both Agency documents and notes of HSCA staffers. (FYI - no action required at this time)

The ARRB staff will ask the Board to delay processing of such documents and, in some cases, declare them NBR. The staff considers them marginal to the story and believes that they are not worth the time involved.

(S) 2. We need to advise the ARRB staff no later than COB 12 November (Wednesday), if we plan to brief the Board on Warrenton and/or State Cover. Written evidence is due to ARRB staff by COB 13 November (Thursday). They need at least one day to review the material and prepare their presentations for the Board.

CC: Eileen Wukitch @ DO
Becky Rant @ DA

13-00000

CL BY: 611637
CL REASON: Section 1.5 C
DECL ON: X1
DRV FRM: COV 2-87

21 November 1997

MEMORANDUM FOR: John Pereira @ DCI
Fredrick C. Wickham @ DO
Lee Strickland @ DA
Linda Cipriani @ DCI

FROM: J. Barry Harrelson
JFK Project Officer

OFFICE: CSI/HRG

SUBJECT: ARRB meeting 17 November - Results

REFERENCE:

1. Reconsideration of the release of Warrenton as CIA Records Center:

The Board accepted the Agency's request for reconsideration; postponed until 2017.

2. CIA use of State Cover:

The Board did not find the Agency's evidence persuasive; released.

This determination affects 16 documents (3 duplicates) that were pending Board action. Future documents will be impacted by this decision. Copies of the documents have been sent to DO and OGC for reconsideration/appeal review.

3. Release date of Nosenko NBR records:

The Board moved the release date from 2017 to 2010 giving the Agency the right to review and appeal at that time.

4. Cuban Revolutionary Council (CRC) Financial Records:

The Board accepted the ARRB staff's recommendation (concurred in by CIA) that only "General Statement for Month" records for January 1960 and to January 1995 be processed as Assassination Records, and that the approximately 6,000 remaining pages of financial records be declared to have "no believed relevance (NBR)" to the JFK assassination.

5. *Ramparts* Damage Assessment Document:

The Board accepted the ARRB staff's recommendation (concurred in by CIA) that the paragraphs on the one relevant

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organization be processed as a assassination record, and that the remainder of the CIA *Ramparts* Memorandum be declared NBR. The memorandum discusses the truth or fallacy of the allegations in *Ramparts* the Agency used non-governmental organizations for support and funding of worldwide anti-Communist operations. Over one hundred organizations are mentioned in the *Ramparts* article. The relevant organization is the International Rescue Committee; the IRC aided Oswald on his return to the US.

6. Book Cables Dissemination Lists:

The Board accepted the Agency's request that book cable dissemination list be protected in full even if they contain stations that are releasable.

7. Document # 104-10072-10232 :

The Board rejected the Agency's request to protect the full crypt (LINLUCK). The document has been sent to the DO for reconsideration/appeal review.

8. Other Documents:

The Board accepted the Agency's and ARRB staff's recommendations on 204 additional documents.

Reconsideration and Appeals:

If the Agency wishes to ask the Board to reconsider a decision or plans to appeal to the President, the ARRB staff has requested that it be notified prior to the letter to the Agency informing the DCI of the Board's decision. We expect the letter on or around Dec. 1st; the Board's determinations will also be published in the Federal Register on that date. As mandated by the White House, the Agency has seven days after notification to appeal a JFK Board decision to the President.

CC: Eileen Wukitch @ DO
Kathryn Dyer @ DCI
Becky Dyer @ DA

Sent on 21 November 1997 at 05:04:45 PM

NOTE FOR: J. Barry Harrelson
FROM: Fredrick C. Wickham @ DO
OFFICE:
DATE: 10/10/97 12:10:24 PM
SUBJECT: Nosenko Records

I have reviewed the descriptions of the folders proposed by the ARRB Staff. While I see this as a success to have them support our position and have some concern about the detail included within the descriptions. We had an occasion in the past to ask for a legal opinion about a former employee's access rights to Nosenko's file and were told he is entitled protection under the Privacy Act. Nosenko has already personally expressed (in a letter to the Agency) his concern and objection about potential release of information about him. I think we should carefully consider the amount of detail included in the public release and whether it violates his rights under the Privacy Act.

I trust the judgment of those that have reviewed these descriptions as to content in relationship to other released material and classification but I just want to raise a mild concern about the detail contained in the descriptions of folder content. I will not object to the these if everyone feels compelled to accept them to protect the success we have achieved as long as they are determined to not be in violation of his privacy rights.

In future efforts to protect NBR information, I would like to see less detail in the description if at all possible.

CC: Eileen M. Wukitch @ DO, Lee E. Carle-Y- @ DO
Sent on 10 October 1997 at 12:10:24 PM

13-00000

Classification of Material Transmitted

HISTORICAL REVIEW GROUP

CENTER FOR THE STUDY OF INTELLIGENCE

Phone # 703-613-1806

PLEASE DELIVER IMMEDIATELY

****

CLASSIFIED FAX

SUBJECT: Nosenko

FROM: J. Barry Harrelson

SENDING FAX NO. 703-613-3060

DELIVER TO: Dennis Lamb

RECEIVING FAX NO. 893-4346

DATE TRANSMITTED: 10/10 PAGES TRANSMITTED: 7
(including cover sheet)

TRANSMITTED BY: N. Douglas

****

MESSAGE:

Classification of Material Transmitted

MEMORANDUM

October 9, 1997

To: Jeremy Gunn
Executive Director

cc: Tom Samoluk
Deputy Director

From: Michelle Combs MC

Subject: Files on Yuriy Ivanovich Nosenko in the CIA Sequestered Collection Microfilm Containing Information of No Believed Relevance to the Assassination of President John F. Kennedy

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NBR Folder Summaries

Each folder also contains an HSCA signature sheet. At least one member of the HSCA reviewed all but the last of the folders listed below.

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This folder contains an 82 page verbatim transcript of an interrogation session by Peter Deryabin which covers Nosenko's background, marriage, and divorce.

Reel 62, Folder 3

This folder contains a 74 page verbatim transcript of two interrogation sessions by Peter Deryabin which detail Nosenko's career progress and a disciplinary problem and its resulting impact on his promotion schedule.

Reel 62, Folder 5

This folder contains two verbatim transcripts (33 and 46 pages) of interrogation sessions by Peter Deryabin which cover specific KGB operations and a particular KGB operation targeted against an American tourist.

Reel 62, Folder 6

This folder contains one 22 page verbatim transcript of two interrogation sessions by Perter Deryabin which cover a particular KGB operation targeted against an American tourist.

Reel 62, Folder 7

This folder contains one 84 page verbatim transcript of two interrogation sessions by Peter Deryabin which cover Nosenko's education, Navy career, and a particular KGB operation targeted against an American tourist.

Reel 62, Folder 8

This folder contains an eight page verbatim transcript of an interrogation session by Peter Deryabin in which Deryabin encourages Nosenko to confess that he was sent under KGB control and to think about becoming a double agent. Nosenko responds that he has been telling Deryabin the truth all along.

Reel 62, Folder 9

The folder contains 51 pages of 12 Deryabin reports on his interrogation sessions with Nosenko in July and August 1965. The information in these reports summarizes information detailed in the actual interrogation transcripts.

Reel 62, Folder 10

This folder contains a mix of intra and inter-Agency memoranda pertaining to the handling of Nosenko and is labeled "TS Material from Deryabin Safe." This folder was not examined by the HSCA staff. Thirty-seven pages of documents have been released

to the public. The 97 pages of NBR documents include: correspondence with various US Government agencies and the Attorney General, memoranda on Nosenko's day to day handling, emergency procedures for Office of Security guards assigned to Nosenko, a report to the CIA Inspector General on the Nosenko case, Nosenko's request for political asylum, copies of his subsequent contracts with the CIA as an independent contractor, and additional reports, memos, and briefings concerning the Nosenko case and his handling.

Combs e:\nosenko4.wpd
File 4.20.5, 4.0.2, and 2.4

MEMORANDUM

September 22, 1998

To: Laura Denk
Executive Director

cc: Bob Skwirot
CIA Team Leader

From: Michelle Combs *Michelle Combs*
Associate Director for Research and Review

Subject: Working Files on Yuriy Ivanovich Nosenko Containing Information Not Believed Relevant to the Assassination of President John F. Kennedy

Previously, the Review Board voted to declare NBR approximately 2400 pages of material on Yuriy Ivanovich Nosenko contained in the CIA sequestered collection microfilm unrelated to the assassination of President John F. Kennedy.

The Review Board staff has since examined an additional two boxes of working files on Nosenko produced as a result of the search for records related to the Kennedy assassination. This material either duplicates or is the original copy of the sequestered collection microfilm material previously declared NBR. For example, many of the original tapes from which transcripts were produced are found in the working files. The Board previously declared the transcripts, which are found in the sequestered collection microfilm, to be NBR. The files contain no new material which would add to the understanding of the Nosenko story.

I recommend that the Board declare the contents of the two boxes of working files on Nosenko to be NBR.

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File 2.4, 4.0.2, and 4.20.5

CI-277-94
31 August 1994

MEMORANDUM FOR THE RECORD

SUBJECT: Discussions with Center for the Study of Intelligence on the Release of Material Relating to Yuriy Nosenko

1. On 3 August I had a series of discussions with the staff of the Center for the Study of Intelligence (CSI) at the Center's office in the Ames Building. Our discussion centered on the disposition of more than 3,200 pages relating to the career of former KGB officer--and current CIA independent contractor--Yuriy Ivanovich Nosenko. The documents are being reviewed for declassification and release as required by the JFK law.

2. **The Declassification Problem:** CSI's declassification staff has carefully reviewed the Nosenko material. Ellie Neiman--a career Directorate of Operations officer--is representing the DO in the review process. Ms. Neiman noted that the material can be divided into two parts:

- Approximately 800 pages that deal with Nosenko's information about Lee Harvey Oswald's life in the Soviet Union and his relationship with the KGB.
- A body of counterintelligence staff studies, interrogation reports, file reviews, and bona fides studies on Nosenko totaling some 2,400 pages. These studies contain sensitive personal and operational material. For example:

  -- Information on how CIA conducted operations in Moscow ("sticks and bricks"), material on how bona fides analysis is conducted, and details on how we evaluated the KGB's operations.

WARNING NOTICE
INTELLIGENCE SOURCES
OR METHODS INVOLVED

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DRV HUM 4-82

SUBJECT: Discussions with the Center for the Study of Intelligence on the Release of Material Relating to Yuriy Nosenko

-- Extensive personal details on US citizens the KGB assessed and pitched (approximately 100 cases) and on Americans Moscow Station used as assets. One US citizen the KGB developed is now a senior professor of history in California.

3. **Nosenko's Sensitivities:** I discussed with Ms. Neiman Nosenko's concern about the impact of the release of information on his personal life. I informed her of Nosenko's recent letter to the DCI complaining about the release of material related to his association with CIA, and of his concern that future releases would endanger his privacy and security. The bona fides studies dwell in great detail on Nosenko's personal life, including his problems with venereal disease and his relationships with women. Since the bona fides were based on detailed analyses of Nosenko's life, their release would reveal modus operandi of sensitive clandestine operations and further embarrass a man who has served as a CIA employee for more than three decades.

4. Following my discussions with Ms. Neiman, I met with John Pereira, Acting Director of CSI, and Barry Harrelson, a member of his staff. I recommended that CIA move to release the material dealing with Oswald, but--citing the operational costs, embarrassment to prominent American citizens, and threat to Nosenko's privacy--strongly suggested that the other material be held back. Mr. Pereira agreed to take these points into consideration, noting that the law did allow CIA to withhold certain information to protect national security or for reasons of privacy. He told me in closing that later this year the Agency would have to justify to the Congressionally-mandated review board the reasons for withholding. I promised that I would raise the issue with the Chief of the Counterintelligence Center and said I believed we could provide the justification.

Robert Pringle

SECRET

SUBJECT: Discussions with Center for the Study of Intelligence on the Release of Material Relating to Yuriy Nosenko

CONCUR:

/s/   2 Sept 94
John Pereira (AD/CSI)   Date

/s/   2 Sept 94
Barry Harrelson (CSI)   Date

/s/   6 Sept 94
Ellie Neiman   Date

SUBJECT: Discussions with Center for the Study of Intelligence on the Release of Material Relating to Yuriy Nosenko

DO/CIC/AG/FIOB/RPringle:ek/76246 (31 Aug 94)

Distribution:
Orig - John Pereira, Barry Harrelson, Ellie Neiman
for Concurrence and Return to CIC/AG
1 - AD/CSI
1 - CSI (Harrelson)
1 - Neiman
1 - C/CIC Chrono
1 - CIC/AG Chrono
1 - CIC/AG Defector File

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V. EXCERPTS OF DEPOSITION OF DAVID MURPHY BEFORE THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS ON AUGUST 9, 1978

INTRODUCTION

Having heard from Nosenko and from an intelligence officer who believed him to be bona fide, the committee spoke to the CIA official who had overall responsibility for the interrogation of Nosenko during the years 1964–67, when Nosenko was kept in solitary confinement. Among other things, he was asked about the reason Nosenko was placed in solitary confinement, about why he questioned Nosenko's credibility, and about Nosenko's charge that his statements to the Agency were inaccurate because he had been drugged by the Agency. Portions of that transcript follow.

EXCERPTS OF DEPOSITION OF DAVID MURPHY BEFORE HOUSE SELECT COMMITTEE ON ASSASSINATIONS ON AUGUST 9, 1978

Mr. KLEIN. When Nosenko defected in 1964, when he came to the United States, was he in the custody of the Central Intelligence Agency at that time?

Mr. MURPHY. I don't want to be cute by saying I believe so. I am not exactly sure of the legal—I mean what his legal status was. Insofar as physical facts, he was in the custody of the IC.

Mr. KLEIN. What division or unit of the Central Intelligence Agency had primary responsibility for Nosenko?

Mr. MURPHY. The Soviet Russian Division.

Mr. KLEIN. Of which you were the Chief?

Mr. MURPHY. Yes, sir.

Mr. KLEIN. And what year did you leave the Soviet Russia Division?

Mr. MURPHY. Beginning in 1968.

Mr. KLEIN. And up until what year did the Soviet Russia Division have primary responsibility for Nosenko?

Mr. MURPHY. I don't recall the exact time but it was certainly up until the spring of 1967.

Mr. KLEIN. The investigation by Bruce Solie began at the end of 1967. At that time did the control or responsibility over Nosenko change from the Soviet Russia Division to another division?

Mr. MURPHY. My recollection is that it changed in the spring or early summer of 1967 and the responsibility was turned over to the Office of Security of which Solie was a member.

Mr. KLEIN. As Chief of the Soviet Russia Division, did you have the primary responsibility for what happened to Nosenko? And when I say happened, where he was kept, what he was asked?

Mr. MURPHY. I was responsible for the case.

Mr. KLEIN. OK.

Mr. MURPHY. Although the case was handled by one of the groups within the Division.

Mr. KLEIN. But they would report to you?

Mr. MURPHY. Yes.

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Mr. KLEIN. There came a time in 1964, April 4, I believe, when the treatment received by Nosenko greatly changed in that hostile interrogations began, is that correct?

Mr. MURPHY. I am not sure I agree with the formulation of the question.

Mr. KLEIN. Well, elaborate.

Mr. MURPHY. No; the previous pattern of voluntary discussion of issues under consideration changed and Nosenko was not permitted to evade questions or to decide when he would or would not want to respond.

Mr. KLEIN. Could you describe for us what the pattern was before, as far as conditions and how it was changed?

Mr. MURPHY. Well, the pattern before was one of pretty much permitting Nosenko to call the shots. In other words, we wanted his cooperation and we wanted to discuss these things in a reasonable manner, but his preference was not to sit still for a full day's briefing, to want to go out socially all the time, which made it difficult the next day to continue to work. And the most important aspect, I think, of the change was the decision to confront him with inconsistencies as opposed to taking what he said and passing it on.

Mr. KLEIN. What about the day-to-day living conditions, were they changed?

Mr. MURPHY. Well, he was not permitted to leave. He was not permitted to depart.

Mr. KLEIN. Other than that, his day-to-day treatment, not the actual interrogation sessions, but his food intake, his recreation, was that changed at that time?

Mr. MURPHY. I don't think so, not that early. I don't remember that.

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Mr. KLEIN. Subsequent to April 4, is it correct that Nosenko was interrogated by people from the Soviet Russia Division?

Mr. MURPHY. That is right.

Mr. KLEIN. And how were the particular subareas on which he was interrogated chosen?

Mr. MURPHY. I am not sure. I don't know. Subject areas? This is a guess, this is a recollection, but I think the decision was made based on what the CIA people thought offered the best opportunity to get an admission and to break on that. In other words, I think it was based on points that they had collateral on. By that I mean other information which said what this man is saying is not the truth or this man does not know about this and, therefore, let us hit him hard on this. And so it was a fully tactical, these were tactical considerations relating to possession of information in the hands of the interrogators which then offered the best opportunity to get through and get the truth.

One breakthrough it was felt, as is normally the case, gives you other breakthroughs. The decision on what subjects to be interrogated was essentially a factor of the tactics of the debriefing.

Mr. KLEIN. Would it be fair to say that after April 4 the subject areas were determined by a desire to try to catch him, to break him, as opposed to a desire to gain knowledge that would be of use to you in your role as an intelligence agency? In other words, knowledge of the operation.

Mr. MURPHY. That is an accurate impression. The answer is yes because by the end of April there was a view that the man was not telling the truth, that parts of what he was saying were known to be untrue and that, therefore, made no sense, and although the reasons for his behavior and his statements were not clear, it made no sense then, it did not appear to make sense to accept as valid any data he might provide unless you could be sure that that data was in fact correct, and there were so many doubts about this, leaving aside the motivation for it, the contradictions or the way in which he presented it, that the information was not considered acceptable.

* * * * * * *

Mr. KLEIN. Were you aware of the substance of what Nosenko had to say about Oswald?

Mr. MURPHY. From the very first. I mean, when he first said it back in February or March.

Mr. KLEIN. Do you recall now the substance of it?

Mr. MURPHY. No; not exactly, anything I said would be polluted by so much back and forth. I know that the thrust of the message was that Oswald was never of interest to the Soviet Intelligence Services, that he was never debriefed by them, and I can guarantee that because I was personally involved in the affair. There is more detail, but I can't really pin it down.

Mr. KLEIN. Did you accept this statement by Nosenko?

Mr. MURPHY. I did not. I did not believe that it would be possible for the Soviet Intelligence Services to have remained indifferent to the arrival in 1959 in Moscow of a former Marine radar operator who had served at what was an active U-2 operational base. I found that to be strange. It was only later, I think, that as the Nosenko case and its other ramifications began to emerge that it seemed to me that the Oswald story became even more unusual.

I think I mentioned the other day it seems to me almost to have been tacked on or to have been added as though it didn't seem to be part of the real body of

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the other things that he had to say, many of which were true. You understand that Nosenko was—much of what he said was true.

Mr. KLEIN. You are talking about other areas?

Mr. MURPHY. Yes, sir. This one seemed to be tacked on and didn't have much relationship, and it seemed to be so totally dependent on not just one coincidence but a whole series of coincidences, for him to have been there and all that sort of thing. That is what I mean.

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Mr. KLEIN. Do you recall any other specifics about what you could not accept in Nosenko's statements about Oswald?

Mr. MURPHY. Yes, that they just—this is part of the first one—no contact was ever made, that he went up to Minsk and lived happily and well with no contact. The Soviet Union with foreigners don't do that. I mean, he is the only person. Read the accounts of what happened to this poor gentleman, what happened to Jay Crawford in Moscow and their intensive debriefing of him on the layout of the American Embassy. It didn't seem to be possible.

Now, again, that does not constitute proof, doesn't constitute any breakthrough. It seemed to me to be strange.

Mr. KLEIN. Would you distinguish between first the fact that nobody debriefed Oswald when he first came to the Soviet Union, nobody tried to find out what he knew as a marine, as a radar operator, and, second, the fact that once they decided to allow him to stay, nobody debriefed him to find out if he was some kind of a Western security agent or working for CIA?

Mr. MURPHY. Yes, they would be two different points. The first point clearly involves the KGB and GRU. This is simply a chap arriving with this background and no one taking the time just from a military intelligence technical point of view, telling us how it worked when this thing came in at 90,000 feet what did the blips look like. I don't think they had many American radar operators handling operational traffic involving U-2's.

Mr. KLEIN. How would you react to a statement by Nosenko that although the KGB knew Oswald was a marine, they did not bother to question him, and because of that, never knew that he was a radar operator or that he worked at the base from which the U-2's took off and landed?

Mr. MURPHY. I think it would be strange.

My other point, going back to your first question, that is, the first aspect of your question, which is the initial arrival and lack of debriefing. There is no indication here that the GRU was advised, which in the case of a defector, there is no operational interest in a defector. GRU would be properly the outfit that would want to be talking to any marine. They will talk to a marine about close order drill. You follow me? It doesn't require that he be known to have been a radar operator or that he be known to have been a—they would talk to him about his military affiliation just as we would.

I realize that there is a body of thought which says that some people think the Soviets are 10-foot tall. I don't believe they are. I think they are very, very, very much the other way. What I find difficult on the part of many Americans is that they will not ascribe to the Soviets the same elemental competence that we have. That is all I ask. And, therefore, we in Germany will talk to a private in the East German Border Guards, period. The GRU would be interested in talking to a private. He was a corporal in the Marine Corps, who had stated to a consul in a consular office, which is manned by the Soviets, Soviet locals and what have you, fully accessible to the Soviets, unlike the higher floors of the Embassy, that he wanted to talk about his experiences, that he wanted to tell all. I guess I found it difficult to believe this is one of the things that made, or many other aspects of the case, but this is one of the things that created an atmosphere of disbelief that there must be something to this case that is important, vitally important to the Soviet Union and we can't understand it.

Yuri may be right, he may be right, but at the time it was very hard to believe.

* * * * * * *

Mr. KLEIN. And on the basis of your experience and knowledge gained over almost 30 years, is that what is giving you trouble with Nosenko's statements about Oswald?

Mr. MURPHY. And other things.

Mr. KLEIN. Do you know of comparable situations where somebody wasn't questioned like this, was just left alone, as Nosenko says Oswald was?

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Mr. MURPHY. I honestly couldn't find anyone, or I am not aware of anyone that the division or the CI Staff, that is, those officers concerned with this case, were handling it directly. I don't know of any former Soviet intelligence officer or other knowledgeable source to whom they spoke about this matter who felt this would have been possible. If someone did, I never heard of it.

Mr. KLEIN. During this interrogation period, beginning in April 1964, would it be fair to say that the questions relating to Oswald and the problems which you have just been discussing relating to Oswald constituted a major area for questioning and in interrogating Nosenko?

Mr. MURPHY. Probaby not.

Mr. KLEIN. Why would that have been?

Mr. MURPHY. Because there were many other areas which posed equally interesting aspects yet about which we knew much more and which had occurred abroad and involved collateral knowledge, which obviously is not easy for us to obtain in the Soviet Union.

Mr. KLEIN. Who in the Soviet Russia division made the decision as to who would question Nosenko, subsequent to April 4?

Mr. MURPHY. [CIA employee], chief of the group.

Mr. KLEIN. And do you know of any criteria that he used to pick his interrogators?

Mr. MURPHY. Some knowledge of Russian, as Nosenko's English was not good, the fact that he had been exposed. Well, that is one of the aspects of the CIA interrogation. You try not to use too many people because you then lose. In the first place, you are dealing with a potentially hostile guy who is liable to go back to the Soviet Union, or return to the other side, and so you don't want to expose too many officers, plus the fact it is not a good idea to simply bring a lot of people in. You have to have people who studied the case and became in depth, know it in depth and therefore, so they use the officers that they had available and there were a variety of criteria.

Mr. KLEIN. As I mentioned to you in our conversations about a week ago, it is our information that the person who interrogated Nosenko about the Oswald matter had no background whatsoever in Oswald, he didn't know anything about Oswald's background or really about Oswald at all. Is there any reason that such a person would be used that you can tell us?

Mr. MURPHY. I am not sure I understand. I thought the point was that he had, he was not a man of a lot of background in the CI debriefings or interrogations. I wasn't sure of the point he didn't know about Oswald. I am not sure very many of us knew very much about Oswald than was available at the time.

Mr. KLEIN. Two points——

Mr. MURPHY. The reason that the chap was chosen was because he was levelheaded, extremely toughminded, and was going to be with the case for the long pull. He was not going to be changed. That is why he was used. And his career since then has borne out the judgment of many, he is a very good officer.

Mr. KLEIN. But wouldn't——

Mr. MURPHY. I don't know that he didn't, that he wasn't what you are saying, he knew nothing at all about Oswald's case. I find that difficult to believe. But I don't know.

Mr. KLEIN. Well, if I asked you to consider a hypothetical situation, where I told you the officer who interrogated Oswald knew nothing about Oswald other than what he learned from Nosenko, would you think that was unusual that they would not, if they didn't have somebody already who knew about Oswald, at least given somebody a thorough briefing from A to Z, everything that the CIA knew about Oswald, would you think it was unusual, that they didn't do that?

Mr. MURPHY. I would certainly think so.

Mr. KLEIN. The second part of my question was the other point I made to you a week ago when we spoke, to our knowledge, let me be frank, we spoke to the particular officer in a deposition, so that our knowledge is gained from that, it is possible that since I have not seen the typed up deposition that what I say might not be exactly what the deposition says, but my recollection of it is that he also had little or no prior interrogation experience, and my question is would that be——

Mr. MURPHY. That wouldn't surprise me because there were very few people, relatively few people, in the Division or indeed elsewhere who had a lot of interrogation experience. We hadn't done a lot of very many hostile CIA debriefings. People who might have been used were probably otherwise, either abroad,

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might have had experience, but I know it might sound strange. There just wasn't squads and squads of highly trained fluent Russian speaking CI experienced interrogators.

Mr. KLEIN. One thing I would point out to you is that I have listened to a number of tapes, and all of the ones I have listened to were totally in English, there was no Russian.

Mr. MURPHY. Yes.

Mr. KLEIN. My question is, was the questioning of Nosenko considered a major operation in the Bureau in 1964?

Mr. MURPHY. It was an important operation, an important case.

Mr. KLEIN. And yet there was nobody with interrogation experience who could be used to interrogate him?

Mr. MURPHY. I am sure some of the people had interrogation experience. I mean [CIA employee] himself had a lot of background in this field. I can't explain why the officer who debriefed him on Oswald did not have prior briefing on Oswald except what I mentioned to you the other day, because it was not a thing that we thought we were going to get through on, because we were weak in that area at that time.

* * * * * * *

Mr. KLEIN. Was Nosenko ever given any drugs?

Mr. MURPHY. Not to my knowledge.

Mr. KLEIN. Were there ever any conversations in which you took part about whether to give him drugs in order to get him to tell the truth?

Mr. MURPHY. There were many, many conversations all the time about various things that could be done, all the techniques that are known, to get him to talk, but as far as I know and in discussions with the medical officer who handled the case, there was never any decision made or any attempt made to use these, because none of them appeared to be likely to produce results and they all would be very harmful and, therefore, not produce results.

Mr. KLEIN. Between 1964 and 1967 when you lost control over the case, in those years, it is your statement that if any drugs were given to him, to get him to tell the truth, you would have known about it, and no such thing happened?

Mr. MURPHY. That is correct.

* * * * * * *

Mr. KLEIN. Are you aware that Nosenko was given a lie detector test in 1964, in April?

Mr. MURPHY. Yes, sir.

Mr. KLEIN. Do you know the result of that test?

Mr. MURPHY. It indicated he was lying on several key points.

Mr. KLEIN. Do you have any reason to believe that test was invalid?

Mr. MURPHY. No.

Mr. KLEIN. Are you aware that he was given a second lie detector test in 1966?

Mr. MURPHY. Yes.

Mr. KLEIN. Do you know the result of that test?

Mr. MURPHY. Same thing.

Mr. KLEIN. And do you have any reason to believe that test was invalid?

Mr. MURPHY. No; I believe the operator who gave him the test in 1966 was the same operator who gave him the test in 1964.

Mr. KLEIN. That is correct.

V. EXCERPTS OF DEPOSITION OF JAMES C. MICHAELS AND ALEKSO POPTANICH, AUGUST 11, 1978, BEFORE THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS

INTRODUCTION

In a further effort to clear up the facts surrounding Nosenko's claims that his statements to the CIA should not be used to impeach his present testimony, the committee took depositions from FBI and CIA agents who were present during the 1964 interviews. These agents were

INVESTIGATION OF THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

HEARINGS

BEFORE THE

SELECT COMMITTEE ON ASSASSINATIONS

OF THE

U.S. HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

SEPTEMBER 18, 19, 20, AND 21, 1978

VOLUME III

Printed for the use of the Select Committee on Assassinations

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I have read the foregoing pages one through sixty-six, inclusive, which contain a correct transcript of the answers made by me to the questions therein recorded. Signature is subject to corrections.

/S/Nicholas Katzenbach

rchigiani, Notary Public in and for the do hereby certify that I am notarizing re for the deposition of Mr. Nicholas th day of February 1979.

/S/Flora A. Marchigiani
Notary Public in and for the
County of Westchester
State of New York

On September 25, 1978, Mr. Katzenbach mailed to the committee the following letter supplementing his testimony:

Nicholas deB. Katzenbach
Old Orchard Road, Armonk, New York 10504

September 25, 1978

The Honorable Louis Stokes
Select Committee on Assassinations
U. S. House of Representatives
331 House Office Building, Annex 2
Washington, D. C. 20515

Dear Mr. Chairman:

In my testimony before the Committee on Thursday, September 21, I stated that I had absolutely no recollection of meeting with Mr. Helms with respect to the Nosenko case. I understand that Mr. Helms said there was such a meeting, and it took place on April 2, 1964.

On my return to my office this morning I checked on the notes of meetings which were kept by my secretary, and they confirm Mr. Helms' recollection. I am attaching a copy of the relevant page of the calendar. Although it is clear from this page that there was such a meeting, I continue to have absolutely no recollection of it, and therefore cannot tell you what was discussed beyond what is stated in the calendar itself.

It was not my custom to make notes on such meetings, and I doubt that there are in the files of the Department any notes made by me. However it is possible that Mr. Yeagley or Mr. Foley made such notes. I believe Mr. Foley is now deceased, but Mr. Yeagley is now a judge in the District of Columbia, and perhaps he would have some recollection of the meeting.

I had, prior to my testimony, checked my calendar diary for the period dealing with the assassination and the creation of the Warren Commission, but had not thought it relevant to the Committee's investigation to go as far as April. Hence I was unaware of this entry. While

this calendar does not refresh my recollection and therefore would not change my testimony, it did seem to me that in fairness to both the Committee and Mr. Helms I should make it available to you.

Respectfully yours,

[signature]

cc: Mr. Gary Cornwell
Hon. Richard C. Helms
Edward Bennett Williams, Esq.

13-00000

h my recollection and therefore would not seem to me that in fairness to both the hould make it available to you.

Respectfully yours,

[signature]

s, Esq.

Thursday, April 2, 1964			
Harold Reis)		9:35 a.m.	SAW
Sol Lindenbaum)	Civil	9:35 a.m.	SAW
Joseph Dolan)	Rights	9:35 a.m.	SAW
David Filvaroff)	briefing	9:35 a.m.	SAW
John Douglas)		9:35 a.m.	SAW
Jack Rosenthal)		9:35 a.m.	SAW
Burke Marshall)		9:35 a.m.	SAW
David Filvaroff		11:55 a.m.	SAW
William Foley		12:27 p.m.	SAW
William Orrick		1:50 p.m.	SAW
Marshal McShane		2:37 p.m.	SAW
David Filvaroff		3:10 p.m.	SAW
William Geoghegan		3:25 p.m.	SAW
Edgar Cahn, O.L.C.		3:30 p.m.	SAW
Burke Marshall		3:32 p.m.	SAW
Burke Marshall		4:07 p.m.	SAW
[Lawrence Houston, CIA		4:08 p.m.	SAW
[Richard Helms, CIA		4:08 p.m.	SAW
[David Murphy, CIA		4:08 p.m.	SAW
[J. Walter Yeagley		4:08 p.m.	SAW
[William Foley, Crim. Div.		4:08 p.m.	SAW
[Defector Case]			
Addressed Brandeis Univ. Students (40) in AG's office		4:40 p.m.	SAW
Sol Lindenbaum		6:45 p.m.	SAW
John Douglas		6:56 p.m.	SAW
William Orrick		7:06 p.m.	SAW
David Filvaroff		7:12 p.m.	SAW
Joseph Dolan		7:15 p.m.	SAW
Friday, April 3, 1964			
John Duffner (White Motor)		9:15 a.m.	SAW
Sol Lindenbaum)		9:30 a.m.	SAW
Harold Reis)	Civil	9:30 a.m.	SAW
David Filvaroff)	Rights	9:30 a.m.	SAW
Burke Marshall)	briefing	9:30 a.m	SAW
Jack Rosenthal)		9:30 a.m.	SAW
Joseph Dolan)		9:30 a m.	SAW
NdeBK to Puerto Rico		10:15 a.m.	

O

INVESTIGATION OF THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

HEARINGS

BEFORE THE

SELECT COMMITTEE ON ASSASSINATIONS

OF THE

U.S. HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

SEPTEMBER 22, 25, AND 26, 1978

VOLUME IV

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have a say in what happens with respect
ertainly was involved with decisions on
to end, but I was not the controlling

re were three major agency reports that
the Nosenko case; specifically there was
by the Soviet Russia Division, another
l the Office of Security report, and then a
red to as the Hart report.
ether you are familiar with all three of

ll any longer whether I read the first two
riefed on their contents. The Hart report
the agency in early February 1973 and I
onnections with it since.
ing his defection in 1964 and upon his
tes was Yuri Nosenko in the custody of

I missed the question.
s asking precisely during his defection in
in the United States, was Yuri Nosenko

. That was an accepted procedure under
eragency Defector Committee that defec-
intry were handled by the CIA, through
esettling period, whatever had to be done

iat the legal authority under which he

k that perhaps, Mr. Chairman, if you
like to answer that question a little bit
dulge me.
nly.
go, on September 20, 1978, I received a
before this committee in executive ses-
reviewing that transcript I noted that,
er, I characterized Mr. Yuri Nosenko's
between 1964 and 1969 in a number of
is an area of obvious interest to the
take this opportunity to describe my
t greater detail as to what Mr. Nosen-
entral Intelligence Agency was.
a lawyer nor a judge, so I was not
conclusions about Mr. Nosenko's tenure
e Agency. I'm sorry, I am not prepared.
Geneva, Switzerland, Mr. Nosenko re-
ed to defect to the West. Mr. Nosenko's
npanied by a claim that he could give a
ee Harvey Oswald's contacts in connec-
Oswald's stay in the Soviet Union be-

e the significance that Yuri Nosenko's
ivestigation of President Kennedy's as-
turned out to be a bona fide defector, if

this information were to be believed, then we could conclude that the KGB and the Soviet Union had nothing to do with Lee Harvey Oswald in 1963 and therefore had nothing to do with President Kennedy's murder.

If, on the other hand, Mr. Nosenko had been programed in advance by the KGB to minimize KGB connections with Oswald, if Mr. Nosenko was giving us false information about Oswald's contacts with the KGB in 1959 to 1962, it was fair for us to surmise that there may have been an Oswald-KGB connection in November 1963, more specifically that Oswald was acting as a Soviet agent when he shot President Kennedy.

If it were shown that Oswald was in fact acting as a Soviet agent when he shot President Kennedy, the consequences to the United States of America and, indeed, to the world, would have been staggering. Thus, it became a matter of the utmost importance to this Government to determine the bona fides of Mr. Yuri Nosenko. Mr. Nosenko arrived in the country in February 1964. By the end of March it was clear to us that the task of evaluating Mr. Nosenko's credibility would not be easy.

On April 2, 1964, as Deputy Director of Plans, I, along with David Murphy, Chief of the Soviet Bloc Division, and Mr. Lawrence R. Houston, the General Counsel to the CIA, met with Mr. Nicholas Katzenbach, then Deputy Attorney General of the United States; Mr. J. Walter Yeagley, Chief of the Internal Security Division of the Justice Department; Mr. William E. Foley, who was then Mr. Yeagley's First Assistant in the Internal Security Division; and Mr. Harold F. Riese from the Office of Legal Counsel in the Justice Department.

The meeting took place in Mr. Katzenbach's office in the Justice Department. The purpose of the meeting was to define Mr. Nosenko's legal status in the United States and to anticipate what kind of legal problems might arise in connection with the Agency's ongoing custody of Mr. Nosenko.

The Agency provided me a copy of the memorandum for the record written by Mr. Lawrence Houston describing this meeting on April 2, 1964, and a second memorandum which reflects the substance of a telephone call from Mr. Foley on the following day, April 3, 1964. These documents were in part declassified by the Agency on September 18, 1978, and I would like to make them part of the record of these proceedings.

During the meeting of April 2, 1964, the Department of Justice was fully informed of Mr. Nosenko's status with the Agency and the Department's opinion was requested as to the scope of the Agency's ongoing authority with respect to Mr. Nosenko.

As Mr. Houston's memorandums relate, Mr. Nosenko's technical status in the United States was one of "exclusion and parole," which means that the Immigration and Naturalization Service had technically excluded Mr. Nosenko from the United States but had also temporarily "paroled him" to the custody of the Central Intelligence Agency.

It is my understanding that the terms of the parole provided that Mr. Nosenko would remain in the custody of the Agency unless it was determined whether Mr. Nosenko should be deported or whether he should be permitted to settle in the United States.

statement of some employee or something. He was designated by the present Director to come here and present the story because he was supposed to be the most familiar with it since he had reviewed it for the CIA.

He stated in substance, Mr. Nosenko was taken into custody in this country by the CIA after defection or after alleged defection, held in a so-called safe house on a diet of tea and porridge twice a day, was allowed no reading material. The guards were instructed neither to talk to him or smile to him. He was subjected to 48 hours at a crack interrogation. This being while they built a separate facility somewhere else in the country; namely, a device described by him as a bank vault, and then built a house around the bank vault to put this man in and then kept him there under the equivalent of some 3 years with that kind of thing, 1,277 days to be specific, at which point they finally gave up and gave him some emolument and put him on their payroll and let him go.

And then they gave as their—I questioned on the authority to do a thing like that. Did they have any kind of process, and they said other than the fact that Mr. Helms had conferred with you and gotten your OK, that this would be legal.

And I just found it awfully difficult to believe that. And that is why—and I don't imagine it would be the kind of thing that you would be asked to OK enough that you would not rather clearly remember the incident if it had occurred.

Mr. KATZENBACH. If the facts that you have just set forth to me, Congressman, had ever been made known to me, I would recollect it, I am certain; and I would hope to goodness I would not have given the legal advice that is claimed.

Mr. SAYWER. It makes me feel better about it. Thank you.

That is all I have, Mr. Chairman.

Having heard Mr. Katzenbach's testimony of yesterday, can you reconcile his testimony to this committee with your statement just read to this committee?

Mr. HELMS. I can only say, Mr. Stokes, that it is very hard to reconcile. I think the basic point at issue here is really whether the meeting with him took place at all. What happened after the meeting is something he was not responsible for as far as I am aware.

Let me read to you the memorandum for the record which Mr. Lawrence R. Houston, the General Counsel of CIA, wrote on April 3, 1964. I have a copy in front of me. It is headed Memorandum for the Record and the subject is the Nosenko case.

It reads:

Mr. Helms, Mr. Murphy, and I met with Mr. Nicholas deB. Katzenbach, J. Walter Yeagley, William E. Foley, and Harold F. Ries, on April 2, 1964. Mr. Helms outlined the problems foreseeable in our future relations with Nosenko and asked the opinion of the Justice representatives on what we could do to control the situation. I pointed out that his technical status is one of exclusion and parole—or more technically, deferment and parole.

Paragraph 2:

After some discussion, Mr. Foley stated it was his opinion that Agency representatives could take any action necessary to carry out the terms of the parole. Mr. Katzenbach asked Mr. Foley to check this and let me know and Mr. Foley later confirmed this position by telephone.

I in turn, after the meeting, reviewed the parole agreement and provided an interpretation thereof for Director of Security, a copy of which is attached hereto. Also, I informed Mr. Foley of this interpretation. Signed, Lawrence R. Houston, General Counsel.

The attachment is a memorandum also dated April 3, 1964. It is signed by Lawrence R. Houston, General Counsel. It is a memorandum for the director of security. That would be the officer who was the director of the security office of the Central Intelligence Agency. The subject is Parole status of defectors:

On 2 April 1964, we had a discussion with the Department of Justice on the status of aliens whose inspection by INS—

ABC NEWS

SHOW: 20/20 (ABC 9:00 pm ET)

August 27, 1993

Transcript # 1337

TYPE: Show; Show

SECTION: News; Domestic

LENGTH: 8240 words

HEADLINE: Case Closed

GUESTS: MARK LANE, Author/Attorney; GERALD POSNER, Author, "Case Closed"; Dr. PEPPER JENKINS; Sheriff JIM BOWLES, Dallas; URI NOSENKO, Former KGB Agent; ROBERT OSWALD, Brother

HIGHLIGHT:
Lynn Sherr reports on a new book about the JFK assassination, and interviews author Gerald Posner, who says computer enhancements prove LeeHarvey Oswald acted alone, and was not a Mafia or KGB agent.

BODY:
BARBARA WALTERS, ABC News: Good Evening. I'm Barbara Walters. Hugh Downs is on vacation. This is 20/20.

ANNOUNCER: From ABC News, around the world and into your home, the stories that touch your life, with Hugh Downs and Barbara Walters - this is 20/20.

Tonight, 30 years after the Kennedy assassination, will a powerful new book end the controversy once and for all? Investigative journalist Gerald Posner says he has the answers about Oswald, the magic bullet, and every conspiracy theory to come along. Lynn Sherr's explosive report - 'Case Closed.'

And-

SELMA SCHIMMEL, Breast Cancer Survivor: [sp?] Who is equipped to think of dying in your 20's or 30's?

ANNOUNCER: -if you think it only happens to older women, you're wrong.

KERI DEARBORN, Breast Cancer Survivor: And everyone told me I was too young to have breast cancer, and I thought they were right.

ANNOUNCER: It's happening more and more, and doctors admit the younger you are, the harder it is to detect.

Dr. TIMOTHY JOHNSON, ABC News Medical Editor: Mammography can have an error rate of up to 40 percent in young women versus a rate of less than 15 percent in older women.

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ANNOUNCER: For women in their 20's and 30's, Dr. Timothy Johnson has some shocking news - 'It Could Happen to You.'

Plus, can gay men be made straight? This therapist says he transforms homosexuals. This man once preferred men. Today, he's happy with his wife.

JOHN STOSSEL, ABC News: And now is sexuality an important part of your marriage.

RICHARD COHEN , Nicolosi Patient: Oh, yes. We have good sex, if that's what you're asking.

ANNOUNCER: Others claim treatment is helping them-

'ALEX,' Nicolosi Patient: For the first time in my life, you know, 30 years of my life, I feel alive.

ANNOUNCER: -but in the gay community, backlash.

GAY MAN: This is not a disease. There's no such thing as a cure.

ANNOUNCER: John Stossel brings you the hot debate over gay men. Are they 'Born or Bred?' Those stories tonight, August 27, 1993, after this brief message.

[Commercial break]

Case Closed

BARBARA WALTERS: The Kennedy assassination was back in the headlines all this week when more than 900,000 pages of previously classified government files were finally opened after nearly 30 years. And while close to half the current population wasn't even alive at the time, the controversy surrounding that event continues to haunt us all.

The fact is a majority of Americans don't believe the Warren Commission, and do believe some form of conspiracy was involved. But now, a powerful new book claims to have the last word. Its conclusion? Lee Harvey Oswald did indeed act alone. The book is titled Case Closed, but is it?

[voice-over] Whatever side you're on in this still-raging controversy, you'll want to see Lynn Sherr's report now.

LYNN SHERR, ABC News: [voice-over] No period in an American presidency has been as controversial, as thoroughly analyzed or as frequently written and speculated about as the final six seconds in John F. Kennedy's life.

1st NEWSCASTER: [?] Three shots were fired at the President's motorcade as it passed out of the downtown area of Dallas.

SHERR: [voice-over] No detail about the final moments of the President's life has been spared scrutiny. Every eyewitness account, ballistics test, photograph, medical conclusion and investigative finding has been challenged, reinterpreted or dismissed, then woven into countless theories. For three decades, an already skeptical American public has been left wondering if we would ever learn the truth about what happened in Dealey [sp?] Plaza on November 22, 1963.

MAN: [?] The President of the United States, John Fitzgerald Kennedy, is dead. Let us pray.

SHERR: The official version of what happened is that from that sixth-floor corner window, acting alone, Lee Harvey Oswald fired three shots, the third of which ended the life of America's 35th president. But that's too simple an explanation for a great many Americans, and for conspiracy theorists, far too convenient that one man alone did it. Doubters insist that the shot or shots that killed the President came from behind that fence on the grassy knoll, or from a railroad overpass just beyond.

MARK LANE, Author/Attorney: Shots came from at least two directions. A bullet hit the President in the back. A bullet hit him in the throat. It came from the front. A bullet hit him in the head. It came from the front. That was three shots. At least one bullet hit Governor Connolly [sp?], One bullet missed, struck the curb.

SHERR: [voice-over] Attorney/author Mark Lane, one of the most persistent and prolific of conspiracy theorists, has long insisted that the Warren Commission was wrong, and covered up critical evidence that might make it possible to identify the President's assassins.

Mr. LANE: Today, with hundreds of thousands of documents in the vaults of the CIA, the DI [?], and the FBI and the National Archives - which we can't see - the cover-up is continuing.

SHERR: [voice-over] But another lawyer-turned-author, Gerald Posner, says evidence available to researchers and conspiracy buffs for years led him directly to the only person who could possibly have shot the President.

GERALD POSNER, Author, 'Case Closed': Lee Harvey Oswald killed Jack Kennedy, acting alone.

SHERR: [voice-over] Posner, author of Case Closed, the culmination of a three-year, exhaustive reexamination of the Kennedy assassination, concedes that in identifying a familiar culprit, he's not likely to win over many conspiracy buffs. But he says the evidence didn't allow for any other suspects.

Mr. POSNER: Most people who have written conspiracy books started with their conclusion already done. They knew it was a conspiracy in their heart, and they went around to prove that case.

SHERR: [voice-over] One of the major assassination controversies Posner seeks to resolve is the number of shots fired, where they came from, and which ones struck the President. Using recently-developed computer enhancements of the home movie taken by Abraham Zapruder, Posner explained for 20/20 how he says he was able to count the shots, for which he says Oswald had more time than the Warren Commission believed.

Mr. POSNER: Oswald's first shot, which missed, was fired much earlier than anyone realized - just after the car turned the corner. Evidence of this is overlooked by most experts. It's in the film. In the upper righthand corner of your screen, you'll see a little girl. She's heard that shot and turned. In the car, the President and Mrs. Kennedy and the Governor also heard the shot and

turned. After this shot, Oswald, still had over eight seconds, not five, for the next two.

The second shot is fired. This bullet hits both Kennedy and Connolly. After passing through Kennedy, you see it go through the Governor, as his suit lapel flaps forward. A computer technician discovered that crucial detail just last year.

SHERR: [voice-over] This is the so-called 'magic bullet' that seemed to zigzag through the two men.

Mr. POSNER: This computer animation illustrates that the second bullet needed no magic. Because of the way the two men were lined up, this bullet passed directly through them. It turned only after it slowed down and shattered Connolly's wrist - no zigs, no zags.

SHERR: How could that bullet have emerged so clean, with no flaws on it, really, whatsoever?

Mr. POSNER: I was skeptical about that bullet, and I think that was the thing that stops many people from believing Oswald did it alone. It emerged so clean because that it went through Kennedy, it slowed up. When it went through Connolly's chest, it slowed up. By the time it hit the big bone in his wrist, which everybody thinks would damage it, it was traveling at half or a third of its speed - fast enough to crush the bone, but not fast enough to deform the bullet.

SHERR: [voice-over] The sudden backward motion of the President's head as the third and final bullet struck, blowing away part of his skull, has led many to believe that the shot came from the front, but Posner says normal neurological reflexes make the body stiffen when struck, causing it to move back.

And Dr. Pepper Jenkins, one of the physicians attending the President at Parkland Hospital, points to yet another possible factor, the brace President Kennedy wore for his chronic back pain.

Dr. PEPPER JENKINS: He was so tightly wound into a brace that- the metal coming up his back, and he was tied to the metal or strapped to the metal with an Ace bandage.

SHERR: In the Zapruder film and in all the pictures we've seen- well, how do you describe what the body is doing, having seen the brace?

Dr. JENKINS: Well, I would think you couldn't fall forward. I think you'd have to fall backwards or aside.

SHERR: Because?

Dr. JENKINS: Because the brace held him in such a position.

2nd NEWSCASTER: [?] At approximately one o'clock, the President is dead. The doctors were working too frantically to revive him to notice the exact moment.

SHERR: [voice-over] Dr. Jenkins also has a very poignant memory of Mrs. Kennedy sometime standing next to him.

Dr. JENKINS: She had such a drawn look. I really feel like she was in shock, and she was just holding her hands, one above the other. And one of the times, she nudged me with her elbow and handed me something in her hand, which is part of his brain that obviously was in her lap- with his head in her lap as the car came to Parkland. Bad moment.

SHERR: [voice-over] After examining computer animation of the presidential limousine and its passengers, Posner sought to show where in Dealey Plaza, the shots came from.

Mr. POSNER: Kennedy and Connolly are placed into computer animation, and working back from their wounds, the computer determines the only possible location for the assassin, as indicated by the yellow shading. Notice that Oswald's sixth-floor window is right in the center of it.

Mr. LANE: Posner believes the magic-bullet theory. Next, I guess, we're going to hear about the Tooth Fairy. It's just mathematically impossible. No one has ever been able to recreate what it is said that Lee Harvey Oswald did.

SHERR: Well, they've done it- he's done it now with a computer enhancement-

Mr. LANE: I know that.

SHERR: -and he claims the computer shows that it's absolutely the way it happened.

Mr. LANE: Well, he's entitled to his computer. The American people were there, and they testified, and two-thirds of them said they know shots came from the wooden fence.

SHERR: [voice-over] What about that reported fourth shot fired from the grassy knoll? When the House Select Committee on Assassinations concluded in 1978 that there was a 95-percent certainty of such a shot, conspiracy theorists were heartened, but the committee's finding, according to Dallas Sheriff Jim Bowles [sp?], was based on a static-filled Dictabelt recording of a Dallas police motorcycle radio stuck in the on position. The sheriff says the motorcycle wasn't even in Dealey Plaza, but the committee heard four shots. We couldn't hear any.

[interviewing] You have a copy of that tape, right?

Sheriff JIM BOWLES, Dallas: I certainly do.

SHERR: Why don't you play it, and let's take a listen. Is that a shot?

Sheriff BOWLES: No, that's the motorcycle slowing down, see?

SHERR: I didn't hear any shots.

Sheriff BOWLES: Neither has anyone else. They listened to the same belts we listened to, and they claimed to hear four shots.

SHERR: So where do you think the four shots came from on the House Select Committee's tape?

Sheriff BOWLES: You have to ask them.

Mr. POSNER: They clearly went down the wrong path. The National Academy of Sciences reviewed their work later, and pointed out all the flaws in it. They just made an error on that Dictabelt. There is no fourth shot. There's no shot at all, even, to hear.

SHERR: Even if people accepted the physical evidence gathered here in Dealey Plaza, and agreed that it tended to support the Warren Commission's findings, that would not end the speculation. Surveys show that most Americans doubt that Lee Harvey Oswald acted alone, believing instead that he was either part of or himself became a victim of a conspiracy.

LEE HARVEY OSWALD: I didn't shot anybody, no, sir.

3rd NEWSCASTER: [?] Oswald has been shot!

SHERR: What about the Ruby- the Jack Ruby-organized crime connection? Clearly, there was a connection there.

Mr. POSNER: No question. As a matter of fact, I think the Warren Commission underplayed Jack Ruby's organized crime connections.

SHERR: Isn't there some evidence, then, that he might have been acting on their behalf to wipe out Oswald?

Mr. POSNER: Right. No. If he had a contract from organized crime, why didn't he shoot Oswald when he saw him for the first time two days earlier? On the day Ruby finally killed Oswald, it was only by chance that their paths crossed. He was not acting on behalf of organized crime. He was acting for his own motivation, this desire, as he thought, to be a hero in Dallas, that he would erase the stain and the stigma attached to the city that had been done by the President's murder.

SHERR: You're saying Jack Ruby acted all by himself, a lone-gunman theory once again?

Mr. POSNER: Without any doubt.

SHERR: [voice-over] Posner also explained his views on the many conspiracy theories about the assassination.

ROBERT F. KENNEDY: Did you say, 'That S.O.B., I'll break his back'?

JIMMY HOFFA: Who?

Mr. KENNEDY: You.

Mr. HOFFA: Who's the 'who'?

SHERR: The Mafia wanted the President killed, because that would get rid of Bobby Kennedy, who was going after organized crime.

Mr. POSNER: I would not be surprised if the Mafia, in 1962 or '63, sat at a

table with some of its key henchman, and discussed killing President Kennedy. They did hate him. They might have even had a conspiracy afoot. There is no tie between Lee Harvey Oswald and organized crime. There's not opportunity for him to have been their assassin. In essence, he beat the Mafia to Kennedy.

SHERR: How about, as in the Oliver Stone movie, JFK, the military industrial complex?

Mr. POSNER: The movie, JFK, served what I call the kitchen sink. If you can't just have one of them, let's have everybody in the plot, because they all have some reason to knock off Kennedy.

JIM GARRISON: We have the mystery of the assassination of the President solved, and there is no question about it.

SHERR: What about the Garrison investigation?

Mr. POSNER: He had great delusions on the assassination. I think it's a disgrace. It was a travesty of justice, a miscarriage of justice. Garrison knew it. I discovered files of his investigation - documents, affidavits, memos from his investigators - which showed the extent of this scam that was pulled on the American public. Here was a man who knew better. I think his behavior actually crossed the line to being criminal.

SHERR: Is there any evidence- do you believe at all that Lee Harvey Oswald was working on behalf of the CIA to kill the President?

Mr. POSNER: No. I don't believe the CIA had any connection, not only to kill the President, but they had no connection to Oswald at all. And the reason that I can say that so confidently to you is actually an unusual source. It's the KGB files. The KGB files, which had surveillance on Oswald for day in and day out for nearly two years in Russia, came to the conclusion that he was not a sleeper agent, that he had no American intelligence contact.

SHERR: [voice-over] So if Oswald wasn't working for the CIA, how about the KGB? After all, he spoke Russian, defected to the Soviet Union in 1959, married, a Russian, and lived in Minsk for two years.

Mr. POSNER: A popular early theory, popular that we now see in the documents just released this past week in Washington. The KGB was high on the CIA's possible list of targets. The KGB did not want Oswald from day one. They realized Oswald had problems, psychological problems.

URI NOSENKO, Former KGB Agent: [sp?] I do not think that Oswald will be trusted by any intelligence.

SHERR: [voice-over] Uri Nosenko is someone who might know. Before defecting to the United States in 1963, Nosenko was Oswald's KGB handler, and had access to his file. He insists Oswald never worked for the KGB. Still concerned about his own safety, Nosenko asked 20/20 not to show his face.

Mr. NOSENKO: Lee Harvey Oswald was mentally unstable.

SHERR: [voice-over] But unlike Posner, Nosenko says he doesn't believe Oswald could have shot the President for a very simple reason.

Mr. NOSENKO: In Minsk, he was shooting rabbits with shotgun. Would you believe it? He never shoot a single rabbit. And here we see person shooting rifle on a long distance, and shooting three, four shots in several seconds.

Mr. POSNER: He didn't get a rabbit, and therefore that's used as evidence that he couldn't kill the President? But talk to those who actually knew what Oswald was like with a gun, his brother who used to go out with him.

ROBERT OSWALD, Brother: We have shot cottontail rabbits with .22's on the run, okay? We've shot squirrels in the trees with .22's.

SHERR: [voice-over] Robert Oswald says his younger brother was always interested in guns. He still has the pistol Lee Oswald bought when he was 16.

Mr. OSWALD: My experience with him in the field with a shotgun or a .22 was he usually got his game.

SHERR: [voice-over] And Lee Harvey Oswald used the same rifle that killed the President only weeks earlier in a failed attempt to murder to retired Army general Edwin Walker. In other words, according to author Gerald Posner, Oswald, a loser in life, wanted to accomplish something.

MAN: [?] Lee Harvey Oswald, O, S, W, A, L, D.

REPORTER: Did you fire that rifle?

LEE HARVEY OSWALD: That's the facts that you people have been getting, but I emphatically deny these charges.

SHERR: [voice-over] If, as you say, Lee Harvey Oswald was not working with the mob or with the CIA or with the KGB or with the military industrial complex, why did he kill the President?

Mr. POSNER: I think that Oswald killed the President, because this was to be almost his fulfillment, his moment in the sun. Three days before Kennedy arrives in Dallas, he's given a gift on a silver platter. Jack Kennedy's going to pass in front of the Depository. It's not ideology, it's not because he's Communist, but it's because he has that opportunity to place himself in history. Here we are, 30 years later, talking about him. He was successful. He got his wish.

WALTERS: Well, there's a lot of proof. Is the case closed?

SHERR: Well, certainly, Gerald Posner believes so, but out experience is that people on the other side are so dug in, it's unlikely anything is going to change their mind. You know, even at Dealey Plaza, there are people just walking around, telling you what their theories are. And incidentally, Barbara, Dealey Plaza-

WALTERS: Which is where assassination took place.

SHERR: -which is where it took place-

WALTERS: Yeah.

SHERR: It's so much smaller in real life-

WALTERS: Really?

SHERR: -than it appears-

WALTERS: I think of it as a huge-

SHERR: Right.

WALTERS: -kind of highway.

SHERR: It's quite small, and Posner points out that if all the eyewitnesses who have come forward were in fact there that day, it would have been elbow to elbow. In fact, it was not very crowded that day.

WALTERS: Nine hundred thousand documents released this week- what, 10,000 more to come. Is that going to settle anything?

SHERR: Unlikely. That, however, is the one area where both sides agree - unclassify all those documents. Otherwise- and even so, this is going to be argued for generations to come.

WALTERS: Probably. Probably. Thank you, Lynn.

Next, most people feel that breast cancer only attacks women over the age of 50.

[voice-over] But Dr. Tim Johnson reports that more and more young women are discovering they have a special battle to fight. What should you know? After this.

[Commercial break]

It Could Happen to You

BARBARA WALTERS: The American Cancer Society's meetings on breast cancer are taking place in Boston this week, and from that conference come reports of a disturbing new trend - younger women diagnosed with the disease at a growing rate. Though diagnostic tests have improved over the years, breast cancer in younger women presents a special and quite serious set of problems.

[voice-over] And as Dr. Tim Johnson reports, if you are under 40, much of what you previous learned about the disease may not apply to you.

TERESA ROBERSON, Breast Cancer Survivor: I had lumps before, they were all- they turned out to be cysts. But I knew this was different.

GAYLE RUSSELL, Breast Cancer Survivor: I had no history of any type of cancer in my family, so I was very surprised.

KERI DEARBORN, Breast Cancer Survivor: And everyone told me I was too young to have breast cancer, and I thought they were right.

Dr. TIMOTHY JOHNSON, ABC News Medical Editor: [voice-over] A disease they thought they were too young to get, but more and more, the woman on the

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GERALD POSNER, ACTING ALONE, HAS WOUNDED THE JFK COVER-UP INDUSTRY

BYLINE: By Paul Galloway, Tribune Staff Writer.

BODY:

The rendezvous was arranged for a weeknight last fall at a Turkish restaurant near CIA headquarters in Langley, Va. The proprietor would be expecting him.

When author Gerald Posner said he was there to meet George and his wife, as he had been instructed to do, the proprietor led Posner and his wife, Trisha, to a private table in the back room.

George was the code name for Yuri Nosenko, a KGB officer who defected to the U.S. in 1964 and now lives under another name in an undisclosed part of the country. Posner was researching a book about the assassination of John F. Kennedy, and Nosenko had agreed to speak for the first time exclusively about the Soviet intelligence agency's surveillance of Lee Harvey Oswald during his stay in the Soviet Union from late 1959 until June 1962. Nosenko had suggested that he and Posner bring their wives, Posner said, because the sight of two couples dining together would serve as cover for their interview.

"Yuri supervised the Oswald file in Moscow and was familiar with the KGB files on Oswald's time in Minsk, which I had seen," Posner said. "I knew he could be extremely helpful in reconstructing that period of Oswald's life."

A chapter in Posner's new book, "Case Closed: Lee Harvey Oswald and the Assassination of JFK," is devoted to Nosenko and his assessments of Oswald.

As the title suggests, Posner finds Oswald to be Kennedy's assassin, acting alone, just as the Warren Commission said. Further, he was not a CIA agent, not a KGB agent, not an innocent patsy but a sociopath and loser who had grandiose notions of making a mark in history.

Posner is as surprised at the book's conclusion as the conspiracy buffs are riled.

"I'm getting some very personal, vindictive calls from the conspiracy people. If it's any consolation, I never set out to do a book that would say here is the final answer, here is who did it," Posner said during a visit to Chicago.

Posner's intention was to write a primer of sorts about the assassination after examining the welter of conspiracy theories to see what was credible and what wasn't.

Poking in the garbage

"When you read all the conspiracy books, it's apparent they can't all be right because they flatly contradict each other," he said. "I knew there was garbage on the record. I didn't know how much."

After he debunked as many inaccuracies and false leads as he could, he assumed there would be some issues that would require further investigation, perhaps questions about acoustics or ballistics or possible Mafia involvement.

Yet toward the end of his research, Posner notified Bob Loomis, his editor at Random House, that he had taken an unexpected turn.

"I was convinced the Warren Commission had gotten it right. The evidence was overwhelming," he said.

Posner also was aware, of course, that a large majority of the populace thinks the Warren Commission had gotten it wrong, maybe on purpose.

He got a feel for such skepticism when Loomis, vice president and executive editor of Random House, took his own poll at the next meeting of the publishing house's top editors, who periodically gather to report on works in progress.

"Bob told them about what I'd found and asked how many believed the Warren Commission was right," Posner said. "Remember, these are some of the brightest, best-informed, best-educated people in New York City, and no one raised a hand except Bob Loomis."

Posner was not dismayed. "When people cite polls showing 70 or 80 or even 90 percent of the public as believing the assassination was the result of a conspiracy, I say I'm surprised it's not 100 percent when you consider that people have essentially heard only one side for three decades."

'JFK' an 'abomination'

A 1978 congressional investigation estimated that 2,000 books, including those that are self-published, had been written on the subject. All but a handful present a variety of sometimes-elaborate scenarios about plotters, motives, killers and cover-ups, and as a rule, the conspiracy books make bestseller lists, while the others don't.

"Then there are the TV documentaries, which are invariably pro-conspiracy," Posner said. "A recent one was a five-hour British film for Arts & Entertainment called 'The Men Who Killed Kennedy.' "

And most influential of all, he said, is Oliver Stone's $50 million movie, "JFK," released in late 1991.

"Half of our country's present population weren't born (as of) November 1963. Stone's movie is a historical abomination that's filled with demonstrable falsehoods, but to young people, it's a documentary.

"Even if they read articles criticizing it, they say, 'Well, Stone may have exaggerated, but there's got to be something there.' Believe it or not, there's not."

What's especially galling, Posner said, is that Stone based his movie on the investigation of former New Orleans District Atty. Jim Garrison, including his prosecution of businessman Clay Shaw as an alleged conspirator.

"Garrison's prosecution of Clay Shaw was disgraceful, criminal and has been thoroughly discredited. There was coercion of witnesses and changing of testimony," Posner said. "The jury took only 45 minutes to find Shaw not guilty, and one of the jurors said it would have been 20 minutes but that several jurors had to go to the bathroom."

Stone has said "JFK" was a "counter-myth" to the "myth" of the Warren Commission.

The no-longer magic bullet

Among the doctrines of conspiracy literature bolstered by "JFK," Posner noted, is that the so-called magic bullet found on Texas Gov. John Connally's stretcher at Parkland Hospital was almost pristine, couldn't have struck Kennedy and Connally, as the Warren Commission said it did, without zigzagging in midair, and was probably planted.

"If ballistics tests didn't prove conclusively the bullet struck Kennedy and Connally, which they do, use your common sense," Posner said. "At the time the bullet was found, the conspirators wouldn't know if the bullets fired at Connally and Kennedy were still lodged in their bodies or had been recovered.

"If they wanted to shield the conspiracy, there can only be three shots. More than that, and the single assassin doesn't have time to shoot. So why risk exposing the conspiracy by planting a fourth bullet that wouldn't match ballistically with remnants of the other rounds?"

And what about Jack Ruby, the Chicago native who moved to Dallas to run strip clubs? Did he just happen by the Dallas jail on Nov. 24 and shoot Oswald on the spur of the moment?

"Ruby's murder of Oswald does more to undermine this case in terms of getting the truth out than anything else," Posner said. "First, it prevents the trial of Oswald, where the evidence would have convicted him. It also gives us a second assassin, with ties to organized crime. It's hard for people to believe this was a coincidence, so you're off and running with a conspiracy."

Posner's account of Ruby's life and his actions during the assassination week demolishes any notion he was a conspirator.

According to the trade journal Publishers Weekly, six books by major publishers will appear this fall to coincide with the 30th anniversary of the assassination, with "Case Closed" standing alone in its anti-conspiracy stance.

Posner has been heartened by promising sales and positive reviews. "Many readers are put off by conspiracy books that select only material that's favorable to their position, whether it checks out or not. I think these people are buying the book."

Thumbs up from the critics

Three weeks after its release, it is eighth on The New York Times national best-seller list and seventh on the Tribune's list of Chicago's best sellers.

U.S. News & World Report, which ran excerpts from "Case Closed," writes: "Posner achieves the unprecedented. He sweeps away decades of polemical smoke, layer by layer, and builds an unshakable case against JFK's killer . . . Lee Harvey Oswald." It quotes Stephen Ambrose, biographer of Dwight Eisenhower and Richard Nixon: "The chapter on the (magic) bullet is a tour de force, absolutely brilliant, absolutely convincing."

New York Times book critic Christopher Lehmann-Haupt writes that "Posner effectively refutes hundreds of claims that have added up to conspiracy theories."

In a Tribune review, author Jeffrey Toobin writes that "Case Closed" is "utterly convincing in its thesis, which seems, in light of all that has transpired over the past 30 years, almost revolutionary."

Posner, 39, didn't set out to be a writer, instead complying with the wishes of his father, a union official in San Francisco. "My father dealt with a lot of lawyers. He said, 'Son, these fellows charge fees you can't believe.' "

So Posner attended law school at the University of California at Berkeley, where he was an honor student, then joined a prestigious Wall Street law firm, leaving two years later to form his own firm.

In 1981 he represented Jewish victims of Dr. Josef Mengele, the notorious Nazi war criminal who escaped from Germany after World War II and died in hiding in South America.

"It was a pro bono case, and I sued the Mengele family and the German government," Posner said. "Nothing came of the suit, but I accumulated 25,000 documents about Mengele, so I thought I'd write a book."

"Mengele: The Complete Story," which he co-wrote with John Ware, was published in 1986, prompting Posner to leave the law and write full time.

"Case Closed" is his fifth book. "A weakness of mine is that I tend to underestimate the difficulty of each project I undertake. This was true with this book, but as I kept going I kept finding answers to things I didn't think I could get answers to."

The real cover-ups

Posner agrees with critics of the Warren Commission who say its investigation was flawed.

"There was a cover-up by the FBI and the CIA, but they weren't attempting to conceal their involvement in the murder of the president but rather their own inefficiency and bungling," Posner said. "I go into detail in exposing these cover-ups, but they can't be interpreted as evidence of conspiracy."

The Warren Commission's work also was tarnished by a dubious finding of the 1978 investigation by the House Select Committee on Assassinations, Posner said.

"The committee's acoustics experts tested a Dictabelt recording of radio traffic on Dallas police channels and said they were 95 percent certain there had been a fourth shot, therefore a second shooter and a conspiracy."

A retest by the National Academy of Sciences discredited the committee's experts, concluding that the recording was made a minute after the shooting, Posner said.

Half of "Case Closed" is a meticulous examination of Oswald's entire life, culminating in an almost day-by-day chronicle of his movements in the last two months before the assassination. "Many conspiracy books almost ignore Oswald. But he's the key, and it's amazing how much is known about him," Posner said. "It's certainly enough to disprove all the theories that he was a spy or a patsy.

"My technique was to go to original sources. Too many books quote secondary sources, some of which are passing on misinformation, which means the garbage is disseminated again and again, becoming fact.

"Here's an example. 'JFK' opens with Rose Cheramie, a prostitute, warning her doctors that the Kennedy assassination is going to take place in Dallas and naming Ruby as involved. I found her doctor, who said she was psychotic and didn't mention the assassination until the day after it happened or Ruby until the day after he killed Oswald."

Posner paused. "I can go on."

GRAPHIC: PHOTO GRAPHIC
PHOTO (color): Gerald Posner, debunker of conspiracy theorists, at Smyth School on West 13th Street, which Jack Ruby attended. Tribune photo by Charles Cherney.

GRAPHIC: The three shots. From: "Case Closed: Lee Harvey Oswald and the Assassination of JFK," by Gerald Posner (Random House, Sept. 1, 1993.)
See microfilm for complete graphic.

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